



THE
LAWS

OF
THE STATE
OF

North-Carolina,

ENACTED IN THE YEAR

1814.

Transmitted according to Law to

John McLandon, Esq.

One of the Justices of the Peace for the County of

Granville



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1815.

L A W S

OF

NORTH-CAROLINA,

Enacted by a General Assembly begun and held at RALEIGH, on the twenty-first day of November, in the year of our Lord one thousand eight hundred and fourteen, and in the thirty-ninth year of the Independence of the said State.

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WILLIAM MILLER, ESQUIRE, GOVERNOR.

CHAPTER I.

AN ACT for the more perfect organization of the Militia of this State.

BE it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same, That in all cases where a Militia man shall have performed a tour of service either as a volunteer or drafted militia man, whether upon the requisition of the United States or of this State, he shall not be liable to stand a second draft until the whole of the militia within his beat or company district shall have performed a like tour of duty. Regulating drafts.

II. *And be it further enacted,* That the regiment in the County of Ashe, shall be subject to a draft as infantry: Any law to the contrary notwithstanding. Ashe regiment

III. *Be it further enacted,* That upon any requisition of the United States for a detachment of the militia from this State, it shall be the duty of every Captain of Infantry to enter upon his roll, all able bodied free men between the age of eighteen and forty-five years, except such as are exempted by the second section of the act of Congress of one thousand seven hundred and ninety-two, and except the Judges of the Superior Courts of Law and Equity, and Ministers of the Gospel regularly ordained, within his beat or company district, and they are hereby declared to be subject to draft: *Provided,* That nothing in this act shall be understood to subject persons heretofore exempted to perform ordinary militia duty: Any law or usage to the contrary notwithstanding. Judges and Divines exempted from drafts.

IV. *Be it further enacted,* That there shall be to each brigade within this State one brigade Inspector with the rank of Major, one hospital surgeon and two mates and one assistant deputy quarter master General with the rank of Captain, to be appointed by the Brigadier General and commissioned by the Governor, which said officers when in the actual service of this State shall receive the same pay and emoluments as officers of the like grade are entitled to in the service of the United States. Brigade inspectors, &c. to be appointed

V. *Be it further enacted,* That so much of the eleventh section of the act of Assembly passed in the year one thousand eight hundred and thirteen, entitled "An act to amend the militia Laws," as requires Major Generals and Brigadier Generals to muster the field and company officers, and also the eighth section of the said act, be and the same is hereby repealed and made void. Part of former act repealed

VI. *Be it further enacted,* That the first section of an act passed in the year one thousand eight hundred and twelve "to amend the Militia Laws of this State," is hereby repealed and made void: *Provided,* That the Captains and other returning officers, shall designate by proper columns the free persons of colour, from the rest of the militia of this State. Free Negroes required to be enrolled

VII. *And be it further enacted,* That all that part of the fourteenth section of an act passed at the last General Assembly, entitled "An act to amend the Militia Laws of this State," as respects non commissioned officers and privates is hereby repealed and made void.

CHAPTER II.

AN ACT to extend the time for perfecting titles to Land.

BE it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same, That all Bonefide enteries of land in this State the purchase money of which has been paid to the Public Treasurer, since the first day of January one thousand seven hundred and ninety six, shall have until the fifteenth day of December in the year of our Lord one thousand eight hundred and sixteen, for surveys to be made and returned into the Secretary's office: *Provided,* That no grant to be obtained under any survey to be made under this act shall affect or impair the title of any lands heretofore bonefide acquired by grant from the State: *Provided,* That this act shall not be construed to effect any entries made prior to one thousand eight hundred.

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CHAP. III.

AN ACT to provide means to furnish supplies to the Militia which may be called into the service of the State during the year one thousand eight hundred and fifteen.

BE it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same, That in the event of the militia being called into the service of the State at any time or times during the year one thousand eight hundred and fifteen, it shall be the duty of the Public Treasurer, under the direction of his Excellency the Governor, to borrow of one or more of the Banks in this State, such sums of money as in the opinion of his Excellency the exigency may require, for the purchase of supplies for the militia thus called into service: *Provided,* That the whole sum to be borrowed during the said year for this purpose shall not exceed fifty thousand dollars, and be borrowed at a rate of interest not exceeding six per centum per year, and be reimbursable at such times and in such proportions as shall be agreed on between the Public Treasurer and the said Bank or Banks.

CHAP. IV.

AN ACT to provide for the purchase of Arms, Artillery, Tents and Camp Equipage for the use of the State, and for other purposes.

BE it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same, That two thousand stand of arms with the necessary accoutrements, twelve pieces of artillery, tents and camp equipage for two Regiments, consisting of one thousand rank and file each, be purchased under the direction of his Excellency the Governor for the use of the State; and that the said artillery be mounted in such way as his Excellency shall direct.

II. *And be it further enacted by the authority aforesaid,* That the arms and munitions of war purchased under this act be under the care and direction of the Governor, to be distributed by him where the same may be most wanted until the Legislature may further order; and to discharge by warrants upon the Treasury such incidental expences as may arise for storage and preservation.

III. *Be it further enacted,* That the arms now belonging to this State, be distributed, preserved and taken care of in the same way as the arms to be purchased under this act.

IV. *Be it further enacted,* That the said arms and accoutrements, pieces of artillery, tents and camp equipage shall be kept exclusively for the use of this State, except in cases where the detached militia shall be called into service, when his Excellency the Governor may loan the said tents and camp equipage to the said militia on their march to their place of rendezvous: but the said tents and camp equipage shall in no case be taken out of the State.

V. *Be it further enacted,* That public notice be given in the papers published in the City of Raleigh, for the space of three months, that proposals will be received by the Treasurer of this State up to the end of the said three months, for supplying the State with the said arms and accoutrements, pieces of artillery, tents and camp equipage, and in said notice the citizens of this State be particularly invited to make proposals, and undertake to furnish the said supplies.

VI. *Be it further enacted,* That to defray the expences incurred in the purchase of the said arms and accoutrements, pieces of artillery, tents, and camp equipage the sum of fifty-five thousand dollars be and the same is hereby appropriated--and the Treasurer is hereby authorized and directed to borrow the said sum of fifty-five thousand dollars from the Banks in this State, and the said Banks are hereby authorised to make such loan: *Provided,* That the said loan can be obtained at a rate of interest not exceeding six per centum per year, and upon a credit of five years, the discount upon the money borrowed or so much thereof as shall be due to be paid by the Treasurer annually, and the said Treasurer to be at liberty to discharge the debt, to be incurred by the said loan, at any earlier period if he shall think proper to do the same.

VII. *And be it further enacted,* That should peace be concluded between the United States and Great Britain before the monies hereby appropriated shall be laid out, then all further purchases under this act shall cease.

CHAP. V.

AN ACT concerning Divorce and Alimony.

BE it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same, that where a marriage hath been heretofore or shall be hereafter contracted and celebrated between any two persons and it shall be adjudged in the manner herein after mentioned, that either party at the time of the contract was and still is naturally impotent, or that either party has separated him or herself from the other, and is living in adultery; in every such case it shall and may be lawful for the injured person to obtain a divorce either from bed and board or from the bonds of matrimony, at the discretion of the courts.

II. *Be it further enacted,* That where any person has been or shall hereafter be

injured in either of the ways above mentioned, the husband or the wife may exhibit his or her petition, or libel to one of the Judges of the Superior Courts of Law in this State in term time, or to one of the Judges in the vacation, at least thirty days before the next term, setting forth therein particularly and especially the causes of his or her complaint; and shall together with such petition or libel exhibit an affidavit on oath, taken before one of the Judges of the Superior Courts, or some Justice living in the county where he or she resides, that the facts contained in the said petition or libel are true to the best of his or her knowledge and belief, and that the said complaint is not made out of levity or by collusion between the said husband and wife, and for the mere purpose of being freed and separated from each other; but in sincerity and truth for the causes mentioned in the said petition or libel.—Bond with sufficient security for the prosecution of the same being first given as required in other cases at law; and thereupon a subpoena may and shall issue from the said court, directed to the person so complained against, commanding him or her to appear at the next Superior Court of Law to be held for the said county, then and there to plead or answer to the said petition or libel; and upon due proof at the return of the said process that a copy thereof was served either personally on the said party or that he or she could not be found, and that a copy thereof was left at his or her usual or last place of abode in said county, at least fifteen days before the day of the said return inclusive; if he or she shall refuse or neglect to appear, then an alias subpoena shall issue, returnable to the first day of the next term, and be served personally in manner aforesaid; but if he or she cannot be found, then proclamation shall be publicly made by the Sheriff at the door of the court-house, for the party to appear and answer as commanded by the subpoena; and that notice thereof be given in two newspapers, such as the court may order, for three months; and in the mean time the said court shall and may make such preparatory rules and orders in the cause as may be necessary to prepare the same for trial, when the court may determine ex parte, if necessary: *Provided always*, That in all suits commenced under this act, the material facts charged in the said petition or libel shall be submitted to a jury, upon whose verdict, and not otherwise, the court shall decree—any rule or practice to the contrary notwithstanding.

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How to proceed

Bond and security required

III. *Be it further enacted*, That in any action or suit commenced in any of said courts for a divorce for the cause of adultery, if it shall be proved that the plaintiff has been guilty of the like crime, or has admitted the defendant into conjugal society or embraces after he or she knew of the criminal fact, or that the said plaintiff (if the husband) allowed of his wife's prostitution or exposed her to lewd company whereby she became ensnared to the crime aforesaid, it shall be a good defence and a perpetual bar against the said suit.

No divorce where both are guilty

IV. *Be it further enacted*, That it shall and may be lawful for the Superior Court aforesaid after hearing any cause commenced in virtue of this act, to determine the same as to law and justice shall appertain by either dismissing the petition or libel, or sentencing and decreeing a divorce and separation from nuptial ties or bonds of matrimony, or that the marriage is null and void, agreeable to the prayer thereof; and such court shall have power to decree alimony to the wife in the case of general divorce upon the petition of the wife: *Provided*, That no judgment, sentence or decree of final and absolute divorce from the bonds of matrimony shall be valid until ratified by the General Assembly of this State; and that after such sentence so nullifying or dissolving the marriage and its ratification by the General Assembly, all and every the duties, rights and claims of the parties in right of said marriage shall cease and determine, and the complainant or innocent person shall be at liberty to marry again as if he or she had never been married: *Provided always*, That nothing herein contained shall be construed to extend or render illegitimate any child or children born of the body of the wife during the coverture.

Divorces must be ratified by the Assembly

V. *Be it further enacted*, That if any person shall either abandon his family or maliciously turn his wife out of doors, or by cruel or barbarous treatment endanger her life, or offer such indignities to her person as to render her condition intolerable or life burthensome, it shall and may be lawful for the Superior Court upon complaint and due proof made in manner aforesaid, to grant a divorce from bed and board, and also to allow her such alimony as her husband's circumstances will admit, not exceeding one third part of the annual income or profits of his estate, or of his occupation or labors, or by assigning to her separate use, such part of the real and personal estate of the husband as the court shall think fit, not exceeding one third part of the husband's estate, as the justice of the case may require; which shall continue until a reconciliation shall take place between the parties. *Provided always*, That nothing herein contained shall be construed in any wise to effect the rights of any creditor or creditors of the husband.

Alimony may be allowed

VI. And to guard the persons thus injured against the heat of momentary passion, and to afford time for reflection and opportunity for reconciliation, *Be it enacted*, That no petition shall be sustained in said courts unless the petitioner shall state and swear that the facts the ground of his or her complaint have existed to his or

Facts to be proved

1814. her knowledge at least six months prior to the filing of the said petition; and no decree shall be made in any case under this act until at least twelve months after the filing of the said petition.

Persons not
entitled to the
benefit of this
act

VII. *And be it further enacted*, That no person not a citizen of this State at the time of passing this act, or who shall not have resided within this State three years immediately preceding the exhibition of his or her petition, shall be entitled to sue under this act.

VIII. *Be it further enacted*, That in all cases brought under this act, the parties may take testimony by depositions under the same rules, regulations and restrictions as exists in suits in Equity in this State.

Tax to the
state

IX. *Be it further enacted*, That a tax to the State of ten pounds shall be paid by the party cast upon every case under this act.

X. *Be it further enacted*, That the court may award costs to the party in whose behalf the sentence or decree shall pass, or that each party shall pay his or her own costs as to the court shall appear reasonable.

Security for a
limony requir-
ed

XI. *Be it further enacted*, That the husband against whom alimony or separate maintenance may be decreed shall give good and sufficient security in open court, to be approved by the court, for the faithful performance of the same; and in case of failure, shall stand committed until the order or decree of the court is complied with, or the court may direct execution to issue as in cases at law, for the money thus decreed, and a writ of venire to the sheriff to summon a jury to lay off and allot the real or personal estate decreed to the wife: *Provided*, That no process shall issue from the court to carry the decree into execution until the same shall have been ratified by the General Assembly and an authentic copy of such ratification filed with the clerk of the court, before whom the cause was tried.

CHAP. VI.

AN ACT to continue in force certain acts concerning the Banks of Cape Fear and Newbern and for other purposes concerning the said Banks

Former acts
continued

BE it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same, That the act entitled "An act to establish a Bank in the town of Wilmington" and so much of an act entitled "An act to incorporate the Newbern Marine Insurance Company, and to establish a Bank in said town" passed in the year one thousand eight hundred and four, as relates to the Bank of Newbern; and all other acts subsequently passed, relating to the management, direction and affairs of said Banks; be and the same are hereby continued in force until the first day of January in the year of our Lord one thousand eight hundred and thirty five; except as herein after provided for.

Additional
shares

II. *Be it further enacted*, That the President and Directors of the Bank of Cape Fear shall be and they are hereby authorized to add to the Capital Stock of said Bank five thousand two hundred and fifty shares, and the President and Directors of the Bank of Newbern, shall be and they are hereby authorized to add to the capital stock of said Bank five thousand seven hundred and fifty shares, of one hundred dollars each.

Places for o-
pening books
of subscription

III. *Be it further enacted*, That the President and Directors of the Banks of Cape Fear and Newbern shall within six months after notice given to the Governor of this State in the manner hereinafter prescribed, of the acceptance of the amended charter by the Stock-holders in the said Banks respectively, open books for receiving subscriptions to the said stock at the City of Raleigh, and the towns of Wilmington, Newbern, Fayetteville, Edenton, Halifax, Hillsborough, Washington, Warrenton, Salisbury, Tarborough, Morganton, Pittsborough, Salem, Rutherfordton, Plymouth, Murfreesborough and Greensborough, and in Nash County; and keep the same open for receiving subscriptions to the said stock until the whole stock authorized by this act shall be subscribed. But all shares not subscribed for within forty days after opening the books as aforesaid shall be sold and disposed of by the said President and Directors respectively at such price as they may think proper not exceeding an advance of ten dollars on each share; and purchasers of shares after the expiration of the said forty days shall pay down at the time of subscribing with the first instalment, the advance required by the said President and Directors, and shall then stand upon the same footing with those who subscribe within the said forty days according to the payments they may have made.

Times for pay-
ments

IV. *Be it further enacted*, That ten dollars upon each share subscribed shall be paid at the time of subscribing, and the remaining ninety dollars in payments of ten dollars every sixty days thereafter until the whole shall be paid; the said deferred payments bearing interest at the rate of six per centum per annum until paid: and it shall be at the option of each subscriber to fill up his share or shares by payment of the residue of the money due thereon; and each subscriber paying in advance shall have a discount at the rate of six per centum per annum on such advance. When fifty dollars on any share shall be paid, the holder thereof shall be entitled to receive dividends on the whole share; and on failure to make payment punctually

of any of the said first mentioned five instalments on every share; the subscriber so failing shall forfeit to the use of the company, all the money that has been previously paid on such share: and such share shall be sold by the President and Directors for the benefit of the company, but there shall be no forfeiture after the payment of fifty dollars on each share. 1814.

Shares forfeited.

V. *Be it further enacted*, That the President and Directors of said Banks shall at all times from and after the passing of this act and during the continuance of the same be bound and obliged to make a loan or loans to the State of North-Carolina if required and authorised by law, of any sum or sums of money not exceeding in the whole at any one time one tenth part of the actual stock of said Banks respectively, and at a rate of interest not exceeding six per centum per year to be paid yearly: *Provided*, That it shall be the duty of the Treasurer to make application in writing to the President and Directors of said Banks for such loan or loans at least three months previous to the time when such loan or loans shall be required. Banks required to loan the State.

VI. *Be it further enacted*, That of the shares hereby allowed to be subscribed to the Stock of the said Banks one thousand shares in each shall be reserved for this State and subscribed by the Treasurer immediately upon the opening of the books for receiving subscriptions as aforesaid: and as a consideration of this amended charter granted to the said Banks, the state shall be entitled to one hundred and eighty shares of the said one thousand shares in each Bank aforesaid, without paying any thing therefor; and at the expiration or earlier dissolution of the charter, the President and Directors of the Banks shall pay to the Treasurer for the use of the State the same rate of dividend on the said shares, together with the shares as may be paid to other Stock-holders; and shall be entitled to make payment for four hundred and ten shares in each of the said Banks in Treasury notes to be issued as herein after directed; and shall be entitled to make payment for the remaining four hundred and ten shares in each Bank at any time or times she may think proper during the continuance of this act, and shall not be bound to pay to either of the said Banks interest upon the shares not paid for. But the interest which may accrue thereon shall be accounted for as herein after directed. 1000 shares reserved to the State;

VII. *Be it further enacted*, That the State shall be entitled to receive full dividends upon the one hundred and eighty shares in each Bank, mentioned in the preceding section: and like dividend upon four hundred and ten shares in each Bank, to be paid for in Treasury notes after the second dividend to be declared by the said President and Directors after the first day of February next; and from and after the declaration of the said second dividend the State shall be entitled to receive whatever sum shall accrue upon the remaining four hundred and ten shares in each Bank over and above six per centum per year, and the same dividend shall be declared upon the said remaining shares, as upon shares which have been fully paid for. Dividends accruing to the State.

VIII. *Be it further enacted*, That at all meetings of the Stock-holders of the said Banks, and at all elections for Directors, the Governor for the time being or such other person or persons as he or the Legislature may from time to time appoint, shall act on behalf of the State; and shall have the same number of votes, to which the greatest number of Stock-holders may be entitled possessing an equal number of shares, with those owned by the State at the time of such election; and the number of votes to which each Stock-holder shall be entitled, except the State, shall be according to the number of shares he shall hold in the proportions following, that is to say: for one share and not more than two shares, one vote, for every four shares above ten, and not exceeding thirty, one vote; for every six shares above thirty, and not exceeding sixty, one vote; for every eight shares above sixty and not exceeding one hundred, one vote, and for every ten shares above one hundred, one vote; but no person, copartnership or body politic, shall be entitled to a greater number than thirty votes. No share or shares shall confer a right of suffrage which shall not have been holden three calendar months previous to the day of election. Stock-holders actually resident within the State, and none other may vote in elections, and at general meetings of the Stock-holders, by proxy; none but a Stock-holder being a citizen of the State, and holding at least ten shares, shall be eligible as a Director of the Principal Bank, nor shall a Director of any other Bank, be eligible as a Director of either of the said Banks. Eleven principal Directors shall be elected by the Stock-holders in each Bank at their annual meeting for the well ordering of the affairs of the said corporations, seven of whom being Directors of the Cape-Fear Bank, shall reside in the town of Wilmington; and seven being Directors of the Bank of Newbern shall reside in the town of Newbern. The board of principal Directors of each Bank shall appoint annually the Directors of the several Branches and agencies; and other officers required at the said Branches and agencies. Election of Stockholders.

A number of Stock-holders not less than thirty who together shall be proprietors of one hundred shares or upwards, shall have power at any time to demand a general meeting of the Stock-holders for purposes relative to the said corporations. Calling of stockholders.

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Cashiers shall
give bond and
security.

Restriction
on discounts.

Directors li-
able in certain
cases

When re-
quired, Treas-
urer to be fur-
nished with a
statement of
the situation of
the bank.

When the
paper Curren-
cy shall cease
to be a tender

Parts of for-
mer acts re-
pealed

Tax of one
per cent

Treasury
Notes to be is-
sued

respectively: And upon such demand the President of the Bank shall call such meeting giving at least four weeks notice in a public Gazette published in the City of Raleigh, and specifying in such notice, the object or objects of such meeting. Every Cashier of the said Banks before he enters upon the duties of his office shall be required to give bond with two or more securities to the satisfaction of the directors in a sum not less than ten thousand dollars with condition for his good behaviour. The total amount of the debts which either of the said corporations shall at any time owe whether by bond, bill, note or other contract, shall not exceed the sum of two millions four hundred thousand dollars over and above the sum then actually deposited in the said Banks respectively for safe keeping, unless the contracting of any greater debt shall have been previously authorized by a law of this State.

In cases of excess, the Directors under whose administration it shall happen shall be liable for the same in their natural and private capacities; and an action of debt may in such case be brought against them or any of them, their or any of their heirs executors or administrators in any Court of Record of this State, by any creditor or creditors of said corporations, and may be prosecuted to judgment and execution: any condition, covenant or agreement to the contrary notwithstanding. But this shall not be construed to exempt the said corporations, or the lands, tenements, goods, or chattels of the same from being also liable, and chargeable with the said excess; such of the said Directors who may have been absent when the said excess was contracted, or created, or may have dissented from the resolution or act, whereby the same was so contracted or created, may respectively exonerate themselves from being so liable, by forthwith giving notice of the fact, and of their absence or dissent, with or before some Notary Public; and to the Stockholders at a general meeting, which they shall have power to call for that purpose.

The Treasurer of this State shall be furnished from time to time, as often as he may require, not exceeding once in three months, with a statement of the amount of the capital stock of each of the said corporations, and of the debts due to each; of the monies deposited in each, of the notes in circulation, and of the cash on hand, and shall have a right to inspect such general accounts in the books of the said corporations, as shall relate to the said statements: *Provided*, That this shall not be construed to a right of inspecting the account of any private individual or individuals with the said banks.

IX. *Be it further enacted*, That from and after the first day of January, in the year one thousand eight hundred and sixteen, the paper money issued by this State in the year one thousand seven hundred and eighty three, and one thousand seven hundred and eighty-five, shall cease to be a tender to or from either of the said banks, except to the State Bank.

X. *Be it further enacted*, That the President and Directors of the said Banks of Cape Fear and Newbern shall not issue any note or notes under the sum of one Dollar; and from and after the first day of July next, the eleventh section of an act passed in the year one thousand eight hundred and four, entitled "An act to establish a Bank in the town of Wilmington," and the twelfth section of an act passed in the same year, entitled "An act to incorporate the Newbern Marine Insurance Company, and to establish a Bank in said town"—also an act passed in the year one thousand eight hundred and nine, entitled "An act to regulate the Banks of Newbern and Cape Fear in certain cases," shall be, and the same are hereby repealed and made void.

XI. *Be it further enacted*, That a tax of one per centum per annum shall be levied on all stock-holders in each of the banks of Cape Fear and Newbern, except on the stock holden by this State, which shall be paid to the treasurer of this state, by the presidents or cashiers of said banks, on or before the first day of October in each and every year.

XII. *Be it further enacted*, That the treasurer of this state, be, and he is hereby authorised and directed, as soon as he can conveniently do the same, to issue Treasury Notes to the amount of eighty two thousand Dollars, of the following denominations, to wit: of five cents, ten cents, twenty cents, twenty-five cents, thirty cents, forty cents and fifty cents; and the notes shall have such margin, and devices as the treasurer shall think proper to adopt—shall be made payable to bearer at the treasury of this State—shall be dated and signed by the treasurer, and immediately be paid over by him to the cashiers of the banks of Cape Fear and Newbern in equal portions, thereby paying to each of the said banks for four hundred and ten shares of stock in each, to be subscribed for the state as aforesaid. The said treasury notes shall not bear interest. They may be thrown into circulation by the said banks, and they shall be redeemed by the treasurer from time to time as they shall be presented for payment: but by him may again be circulated, and they shall be receivable in debts and taxes due to the State.

XIII. *Be it further enacted*. That the presidents of the banks of Cape Fear and

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Newbern, shall make known to the Governor of this State in writing, within four months after the first day of January next, their acceptance of this amended charter; and in case they fail to do so, this act and every part thereof shall become void, and of none effect.

XIV. *And be it further enacted*, As a condition and further consideration for the privilege hereby granted, that if by the common consent of the stockholders in the State Bank of North-Carolina, or otherwise, the charter of the said bank should be dissolved previous to the eighteenth day of December in the year one thousand eight hundred and sixteen, and before the said banks shall have taken up and withdrawn from circulation the whole of the paper money of this state, issued in the year one thousand seven hundred and eighty three, and one thousand seven hundred and eighty five, and before the said paper money shall be actually redeemed by the state in the manner prescribed by an act passed in the year one thousand eight hundred and eleven, entitled "An act in addition to the act entitled 'An act to redeem the paper currency now in circulation, and to establish a bank by the name and title of the State Bank of North-Carolina, passed in the year one thousand eight hundred and ten,'" the said banks of Cape Fear and Newbern shall within two weeks after notice of such dissolution from the public treasurer (which notice the said treasurer is hereby directed to give) cause public notice to be given by advertisement in the papers published in the City of Raleigh for six weeks, that they will for the term of one year, commencing on the day of the said advertisement, and following next thereafter, take up and exchange all the paper currency of the state, which shall be presented for the purpose of being taken up, and exchanged at the said banks or any of their branches, by giving in exchange therefor, in notes of said banks, or gold or silver at the option of the holder of the paper money, the full sum to which the paper money so to be presented shall amount, after the rate of one dollar for every ten shillings of the said paper money. And it shall further be the duty of the said president and directors actually to take up all the paper money of the state, which shall within the said term of one year be presented for exchange as aforesaid; and to give in exchange therefor in the notes of the said banks or in gold or silver, at the option of the holder of the paper money, after the rate of one dollar for every ten shillings of the money to be presented for exchange as aforesaid; and upon its being made appear to the satisfaction of the Governor by the president and directors of the said banks, at any time within six months after the expiration of the twelve months heretofore mentioned in this section of this act—that the said president and directors have faithfully complied with the preceding terms, and have given the required notice at the time and in the manner above prescribed, and have actually taken in all the paper money of the State which shall have been presented to the said banks or any of their branches in pursuance of the notices above prescribed, and faithfully paid therefor in the manner and after the rate above prescribed; it shall be lawful for the Governor of the State to make known the same by Proclamation; and in the said proclamation, to declare that the said paper money shall thenceforward cease to be a tender.

Bank to redeem paper money in case the State Bank charter should be surrendered.

XV. *And it is hereby further declared*, That on the date of the said proclamation, that the said paper money shall cease to be a tender in all cases whatever, except in payments to be thereafter made to the said banks. In all which payments to the said banks it is hereby declared it shall thereafter be a tender; and when received by the said banks, shall not again return into circulation by any means whatever: but remain in their vaults until redeemed and destroyed in the manner herein after prescribed: *Provided always*, That if the fund established for the redemption of the said paper money shall not effect the entire redemption thereof, before the charters of the said banks shall expire, or by common consent of the stockholders or otherwise be dissolved; then and in that case the said paper money shall again be considered a tender in all payments whatsoever, as heretofore.

Paper money to cease to be a tender

XVI. *Be it further enacted*, That the dividends accruing on all shares in the said banks of Cape-Fear and Newbern held by the State shall be applied as the said dividends shall be declared, to the redemption of the paper money remaining in the vaults of the said banks, which paper money, when so redeemed, and paid, over to the State or its Agent the Public Treasurer, shall by the said Treasurer in the presence of the Comptroller and Secretary of State, be burnt and destroyed: And in case the State should hold no shares in said Banks on the said eighteenth day of December in the year one thousand eight hundred and seventeen, said paper money may be delivered by the said President and Directors to the Public Treasurer for the use of the State, and shall be considered as a part of the sum which the said banks are by this act authorised and required to lend to the State.

Application of the States' dividends.

XVII. *And be it further enacted*, That the President and Directors of said banks may establish Branches or Agencies of their said Banks at such place or places within this state, as they may think proper, and commit the management of said Branches and Agencies and the making discounts thereat to such persons as they may deem proper: *Provided*, that at each Branch or Agency, so to be established,

Branches or Agencies.

1814. there shall be appointed no less than three Directors, and that no such Branch or Agency shall be removed after its establishment unless directed by the Stockholders in their general meeting.

CHAP. VII.

AN ACT to amend an act passed in the year one thousand seven hundred and forty-one, entitled "An Act for the better observation and keeping the Lord's Day, commonly called Sunday, and for the more effectual suppression of vice and immorality.

Preamble. WHEREAS by the before recited act whenever a single woman shall upon oath before two Magistrates according to its provisions, accuse any man with being the father of her bastard child or children, such person so accused shall be adjudged the reputed father of such child or children and stand charged with the maintenance thereof: And whereas the said act by rendering the oath of the woman alone conclusive evidence of the fact, so far from operating as a suppression of vice and immorality, has a contrary effect:

The accused entitled to a trial by jury BE it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same, That whenever any man shall in the manner prescribed in the before recited act be accused by any single woman of being the father of her bastard child or children, the person so accused shall upon the return to the County Court of the recognizance, capias or attachment, as the case may be, be entitled to have an issue made up to try whether he be the father of such child or children; upon the trial of which issue the examination of the woman upon oath taken before two Justices of the Peace in the manner prescribed by the aforesaid act and returned to court, shall be prima facie evidence only against the person so accused. And if the jury shall, upon the trial of such issue, find that the person so accused is the father of such child or children, he shall stand charged with the maintenance thereof in the manner prescribed by the said act: But if the jury shall find that he is not the father of such child or children, he shall be discharged. And all examinations upon oath to accuse or charge any man of being the father of a bastard child shall be had and taken within three years next after the birth of said child, and not after.

Costs.

II. Be it further enacted, That all costs which shall accrue upon the trial of any issue under this act, shall be paid by the party claiming the benefit of such issue.

Appeals may be had

III. And be it further enacted, That the officer prosecuting in behalf of the county, shall, and he is hereby authorized to appeal to the Superior Court of Law in all cases where he shall think that justice has not been obtained in the trial of any issue.

CHAP. VIII.

AN ACT to amend the Revenue Laws of this State and to provide a Revenue for the payment of the Civil List and Contingent charges of Government.

Manner of levying and collecting taxes

BE it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same, That the tax on all lands and their improvements throughout this State shall be levied and collected in the following manner, to-wit: the Justices of the Peace appointed to take the lists of taxable property within the several counties of the State according to the direction of the act of the General Assembly passed in the year one thousand eight hundred and one, entitled "An act to fix an uniform time for taking the list of taxable property throughout the State and for enforcing the collection of taxes" shall after giving due notice thereof according to the direction of the before recited act, require each and every person liable to pay land tax either by lease or otherwise to list each and every tract of land by him, her or them holden within the county, stating the number of acres of each separate tract, its local situation and its reasonable value, including improvements thereon: And where the dividing line between two counties, runs through any tract of land the owner of the said land may list the same in either county: And it shall be the duty of Guardians to list the lands of their wards being minors; and also the duty of Guardians of lunatics and persons non compos mentis to list the lands belonging to the said lunatics and persons non compos mentis. And if any person holding lands or any Guardian of a minor, lunatic, or person non compos mentis shall fail to list the lands which he is bound to list by this act, he shall pay a double tax to be collected by the Sheriff out of the property of the person bound to list the said lands by distress or other mode heretofore used in such cases.

Guardians to list the lands of their wards

Justices to furnish Clerks with a list of lands, &c.

II. And be it further enacted, That the justices appointed as aforesaid shall make out a fair copy of the list of lands by him taken with the number of acres and valuation annexed, and return the same together with the list of other taxable property by him taken to the Clerk of the County Court at the next succeeding County Court which may happen after the time prescribed by law for taking the list of taxable property. And the Clerks of the several County Courts are hereby required to return to the Comptroller a list of such property and the owners names thereof with the number of acres of each tract, and the valuation of the same as is by law already established and required, on or before the first day of September in each and every year hereafter.

Clerks to furnish Sheriffs with returns

III. And be it further enacted, That the Clerks of the several County Courts shall within forty days after the justices have made their returns deliver to the Sheriff of the county a fair and accurate copy of the returns made by the justices as aforesaid; and in case of failure thereof to be under the same rules and penalties as are already prescribed by law. And the respective Sheriffs shall proceed after the first day of March in each and every year to collect the said taxes, and shall account for the same, on or before the first day of October in every year, under the same rules and penalties as are now by law established.

IV. And be it further enacted, That when lands the property of non-residents shall not

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Valuation of the lands.

Assessment of town lots.

Justice may require a jury re-value land.

Land not given in to pay double tax.

Valuations to be made in dollars & cents

Tax of 8 cts. on each \$ 100 worth.

On stud-horses and Jack-

Tax on Pedlars.

Tax on wholesale and retail merchants.

Tax of fifty dollars on billiard tables.

On itinerant players, &c.

have been given in according to the directions of this act, the justice taking the list of taxables or the Sheriff of the county, either from their own knowledge or from information lodged of the fact, shall summon one freeholder in the neighbourhood of such lands, whose duty it shall be within five days of such notification to proceed on said lands and on oath value the same, describing as far as may be the local situation and number of acres thereof; and it shall be the duty of the freeholder summoned as aforesaid to transmit under his hand a fair transcript of such valuation to the Clerk of the county court within ten days from his assessment, and that the said freeholder shall receive a compensation for his services as assessor, of one dollar for each tract by him assessed, to be levied and collected by the Sheriff if not previously paid by the owner, at the time the Sheriff shall collect the public tax due on such land.

V. *And be it further enacted*, That all town lots and their improvements shall be assessed as is by law now required and directed: *Provided always*, That such valuation or assessment shall take place at the same time that land and other taxable property are given in within the several counties of this State; and that the assessors shall make return thereof to the Clerks of the county courts at the same time as is required by law for justices of the peace to make return of the lists of taxables taken by them under the penalty of forty dollars for such neglect, to the use of the county.

VI. *And be it further enacted*, That if any justice of the peace at the time of his receiving a list of taxable property, entertains the opinion that the person or persons giving in his, her or their list of taxable property manifestly undervalues the same, said justice of the peace may summon two freeholders acquainted with the land whose duty it shall be to value the same.

VII. *And be it further enacted*, That all residents who shall fail to give in the valuation of his, her or their lands within the time prescribed by law shall be liable to pay a double tax; and it is hereby declared to be the duty of the justice who takes the list as aforesaid upon his knowledge of any such failure to summon two freeholders, whose duty it shall be to value the same and return such valuation to said justice.

VIII. *And be it further enacted*, That the valuation of lands and their improvements as required by this act shall be made in dollars and cents, and that lands hereafter liable to be sold for the taxes, shall be sold as heretofore; and under the same rules and regulations as by law already established.

IX. *And be it further enacted*, That for the year one thousand eight hundred and fifteen there shall be levied and collected from all lands assessed and returned as aforesaid the sum of eight cents on each hundred dollars value thereof.

X. *And be it further enacted*, That for the year one thousand eight hundred and fifteen, a tax on all Stud-horses and Jack-asses within this state of the full sum which the owner or keeper of such Stud-horse or Jack-ass shall ask, demand and receive for the season of one mare, shall be levied collected and accounted for in the same manner as such taxes have heretofore been levied, collected and accounted for.

XI. *And be it further enacted*, That each and every person who shall hereafter peddle or hawk in any county within this State and not on a navigable stream, goods, wares or merchandize, shall pay to the Sheriff of each and every county in which he or she may so peddle or hawk goods, wares or merchandize, the sum of six dollars as a tax, which tax shall be accounted for by the Sheriff in like manner as other taxes, and on paying such tax and obtaining a receipt therefor, such person shall be authorized and permitted to peddle and hawk as aforesaid in such county and no other for the term of one year thereafter. And every person who shall peddle or hawk goods, wares or merchandize on any navigable stream in this State shall pay to the Sheriff of each and every county in which he or she shall so hawk or peddle, twenty dollars as a tax to the State to be accounted for as above, and on payment thereof shall be authorized and permitted to peddle and hawk as aforesaid in such county and in no other for the term of one year thereafter; and each and every person who shall hawk or peddle in any county without having previously paid the tax thereon as herein before directed, or who shall refuse or neglect, upon request by the Sheriff or his lawful deputy to shew a license therefor shall be liable to a forfeiture of one hundred dollars to be collected by the Sheriff of said county by distress and sale of any of the property of such delinquent, and to be applied one half to the use of the State and the other half to the use of the said Sheriff.

XII. *And be it further enacted*, That every merchant who shall sell goods, wares or merchandize in any Store to the amount of four hundred dollars in one year, shall pay a tax on each and every such Store, if a wholesale merchant of sixteen dollars, and if a retail merchant of six dollars, and every such merchant shall give in such Store or Stores in the list of his taxables under the same rules and regulations as other taxables are given in. And the tax thereon shall be levied, collected and accounted for in the same manner as other taxes: *Provided always*, That no retailers of spiritous liquors by the small measure shall be liable to pay in addition to the tax imposed on such retailers, the tax also imposed on stores unless such retailers shall sell goods, wares or merchandize other than liquors to the amount therein stated: *And provided also*, That the Sheriff may be entitled to demand and collect the tax imposed by this section from such persons also as keep stores for a less time than one year and sell thereout the amount herein before specified, although such stores were not open on the first day of April.

XIII. *And be it further enacted*, That the owners of Billiard Tables shall hereafter give them in at the same time and in the same manner as other taxable property, and shall pay for each Billiard Table a tax of fifty dollars to be levied, collected and accounted for in the same manner as other taxes, and the Sheriff shall collect the tax on every Billiard Table within his county whether the same shall have been there on the first day of April or not, and whether the same shall have been erected on that day or not, unless the person having such table in possession shall produce the receipt of the Sheriff of some other county for the said tax.

XIV. *And be it further enacted*, That each and every company of Itinerant Stage Players, Rope Dancers, Tumblers and Wire Dancers, and each and every person or company who shall exhibit natural or artificial curiosities of any sort or kind for a reward, shall previously

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to performing or exhibiting in any county of this State, pay to the Sheriff thereof twenty dollars as a tax to the State, to be accounted for by the Sheriff as other taxes; and on paying such tax and obtaining a receipt therefor, such person or company shall be authorized and permitted to perform or exhibit as aforesaid in such county and in no other for the term of one year thereafter. And each and every Itinerant stage player, rope dancer, tumbler, or wrier dancer or exhibiter of curiosities natural or artificial for a reward, who shall perform or exhibit in any county, without having previously paid the tax herein directed, shall be liable to a forfeiture of sixty dollars to be collected by the Sheriff of said county by distress, and sale of any of the property of such delinquent, and to be applied one half to the use of the State and the other half to the use of the Sheriff.

Tax of five
dollars on pub-
lic gates.

XV. *And be it further enacted*, That a tax of five dollars be and the same is hereby laid on all Gates which may have been or shall hereafter be at any time erected across any public road or highway within this State, and the owners of such Gates shall give in the same at the same time that they give in their taxable property; and the tax shall be levied collected and accounted for in the same manner as other taxes.

Poll tax:

XVI. *And be it further enacted*, That for the year one thousand eight hundred and fifteen a tax of thirty cents on each and every free poll, and a tax of thirty cents on each and every black shall be levied and collected under the same regulations and restrictions as poll taxes have heretofore been collected.

XVII. *And be it further enacted*, That all free males between the ages of twenty-one and fifty years, and all slaves between the ages of twelve and fifty shall be subject to a poll tax: *Provided*, That all slaves shall be listed in the county where they reside.

County tax.

XVIII. *And be it further enacted*, That the justices of the several county courts shall at the first county court which shall happen after the first day of January in each and every year hereafter, lay a tax not exceeding five cents on every hundred dollars valuation of lands with their improvements, and a tax on the other objects of taxation herein before enumerated as is already prescribed by law for the purpose of paying the county charges.

Poor tax.

XIX. *And be it further enacted*, That the wardens of the poor in each and every county within this State shall lay a tax not exceeding five cents on every hundred dollars valuation of lands with their improvements, and also a tax as heretofore established by law on the other subjects of taxation herein before enumerated, for the purpose of defraying the parish charges of said county.

XX. *And be it further enacted*, That the Sheriffs shall have the same powers and be subject to the same rules, regulations and restrictions in the collection and accounting for the taxes aforesaid as have heretofore governed them in the collection of taxes.

Contingent
fund.

XXI. *And be it further enacted*, That after the payment of the civil list and other specific appropriations by law, the balance of the revenue remaining in the Treasury during the year one thousand eight hundred and fifteen, be and it is hereby declared a contingent fund, to be applied to the incidental charges of government.

CHAP. IX.

AN ACT declaring Quakers competent persons to serve on Grand Juries, and also on Petit Juries in criminal cases.

WHEREAS doubts are entertained whether the people called Quakers, are competent to serve on Grand Juries and also on Petit Juries in criminal cases, in as much as they are unwilling to be sworn upon the Holy Evangelists of Almighty God; and whereas the sanctions of an oath do not depend upon the forms in which it shall be administered—but upon a belief of the existence of the Supreme Being, and of a future state of rewards and punishments.

Quakers may
serve on grand
juries.

Be it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same, That the people called Quakers shall be competent to serve on Grand Juries and also on Petit Juries in the trial of all criminal cases, and be entitled to be sworn according to the terms of their religion, as heretofore prescribed by law, and observed in the trial of civil cases.

CHAP. X.

AN ACT to continue in force the third section of an act passed in the year one thousand eight hundred and thirteen, respecting Scites for Light Houses and Fortifications.

Be it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same, That the provisions contained in the third section of an act entitled “An act providing the means by which the United States may obtain Scites for Light-Houses and Fortifications within this State, and for ceding the jurisdiction thereof to the United States,” so far as relates to the time of laying off and paying for land for the purposes in the said act expressed, be and the same is hereby declared to be in full force and operation, till the first day of December, one thousand eight hundred and eighteen.

CHAP. XI.

AN ACT allowing further time for registering Grants, proving and registering Deeds, Mesne Conveyances, Powers of Attorney, Bills of Sale and Deeds of Gift.

Time for re-
gistering
grants extend-
ed.

BE it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same, That all Grants for Lands, all Deeds or mesne conveyances of lands, Tenements and Hereditaments, and all powers of attorney, under which any lands, tenements or hereditaments may have been conveyed, not already proven, acknowledged and registered, shall and may within two years after the passing of this act, be admitted to probate and registration, under the same rules and restrictions as heretofore appointed by law; and said grants, deeds, mesne conveyances and powers of attorney when so proved and registered, shall be as good and valid, as if they had been proved and registered in the time heretofore allowed.

II. *And be it further enacted*, That all Bills of Sale or other conveyance of Slaves, all deeds of gift of any estate of whatever nature, and all marriage contracts, shall and may within two years after the passing of this act be admitted to registration, under the same rules, regulations and restrictions as heretofore appointed, and shall be as good and valid as if they had been proved in the time heretofore allowed: any law to the contrary notwithstanding.

CHAP. XII.

1814.

AN ACT to amend and explain an act passed at the last session of the General Assembly, entitled "An act to raise a Revenue for the payment of the civil list and contingent charges of government for the year one thousand eight hundred and fourteen."

WHEREAS by a mistake made in engrossing the before recited act, it is doubtful whether free males are subject to the payment of the poll tax thereby laid.

Be it therefore enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority aforesaid, That the first section of the act entitled, "An act to raise a Revenue for the payment of the civil list and contingent charges of government for the year one thousand eight hundred and fourteen," is hereby declared to extend to all free males between the ages of twenty- ne and fifty years; and the different Collectors of the taxes thereby laid, are fully authorized, empowered and required to collect the same accordingly.

Explaining act of 1813.

II. And be it further enacted, That this act shall be in force from and after the ratification thereof.

CHAP. XIII.

AN ACT further to promote the Administration of Justice in the Supreme Court of North-Carolina.

BE it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same, That from and after the passing of this Act, no Judge on his Circuit, before whom, in any of the Superior Courts of this State, any cause in Law or Equity, or any matter of law shall be tried, and which may be transmitted to the supreme court by appeal, for the opinion of the Judges, shall set on the trial of said cause or matter of law in the supreme court: but is hereby forbidden from giving his opinion on any matter of law which may have arisen on the trial of said cause in any of the courts below, which said judge may have held.

Appeals to the Supreme Court.

II. And be it further enacted by the authority aforesaid, That the Judges of the Superior courts shall and may hereafter arrange their respective ridings as to them shall seem fit, so as not to be located to any particular circuit.

CHAP. XIV.

AN ACT to give to the Superior Courts of Law concurrent Jurisdiction of Petitions for the amendment of grants from the State and mesne Conveyances for Land.

BE it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same, That from and after the passing of this Act, the Superior Court of Law in each County shall have, possess, and exercise, as full power and authority to receive, hear and determine petitions for the amendment of grants from the State, and mesne conveyances for land in all cases whatsoever, and to direct the amendment of the same, as the several Courts of Pleas and Quarter Sessions now possess, by virtue of the several acts of Assembly in such case made and provided: any law, usage, or custom to the contrary notwithstanding.

CHAP. XV.

AN ACT further to prescribe the duties of the Comptroller.

BE it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same, That it shall be the duty of the Comptroller, immediately after the first day of November in every year, to prepare the account of the public Treasurer of this State, with the State as the same shall appear on the books of the Comptroller's office for the year preceding the said first day of November, stating the balance of money in the Treasury at the last settlement; the receipts into the treasury within the year, particularizing the monies and account from which the same accrued, and were received, the amount received from each respectively, and a particular statement of the disbursements from the treasury within the same period, and the money remaining in the treasury; and shall annex to said account a statement of the revenue from each subject of taxation in every county of the State—of which account and statement, the Comptroller shall have printed two hundred and fifty copies, before the meeting of the General Assembly next ensuing the first day of November in every year, and deliver the same within the first week of the session of the General Assembly to the clerk of either House, subject to the disposal of the General Assembly.

Comptroller to have the statement of the Treasury printed.

II. Be it further enacted, That for printing the said account and statement, the Treasury shall pay a reasonable compensation on the certificate of the Comptroller.

CHAP. XVI.

AN ACT for the relief of persons who have made Entries on vacant and unappropriated Lands, and on which warrants of survey have been issued and lost by accident.

BE it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same, That any person who has made, or shall hereafter make an Entry on Entries of Lands within this State as required by law, since the year one thousand eight hundred, and upon which the entry taker has issued, or shall issue his warrant of survey, and the same be lost by accident, it shall be lawful, on due proof thereof being made to the satisfaction of the Court of Pleas and Quarter-Sessions within the county wherein such entry shall have been made, or shall be made hereafter, to issue an order or other proper process, directing the entry taker or his successor to issue a duplicate warrant of survey, of the same tenor and date of the one so lost, taking care to set forth in the face of said warrant, that the same is a duplicate, in which case, such warrant shall be as valid, and binding as the original: *Provided* That seven justices shall be present in court, at the time of making such order: *Provided* That nothing herein contained shall have the effect of reviving such entries as have reverted, or may hereafter revert to the State, by the purchase money not being paid, within the time limited by law: *Provided also*, That no survey to be made under this act or grant to be obtained thereon, shall affect or impair the titles to lands heretofore granted.

Duplicate warrants to be issued.

II. Be it further enacted, That the entry takers shall be entitled to demand and receive for each duplicate warrant by them issued according to the provisions of this act, the sum of twenty-five cents.

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CHAP. XVII.

Actions must
be brought in
three years.

AN ACT to amend an act concerning old Titles of Land and for limitations of actions, and for avoiding suits in law.
Be it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same, That all actions of debt, grounded upon any lending or contract without specialty, which shall be sued or brought, after the ratification of this act, shall be commenced or brought within three years next after the cause of such action or suit and not after: *Provided*, if any person or persons that is, or shall be entitled to such action of debt, shall be at the time of such cause of action given or accrued, fallen or come within the age of twenty-one years, feme covert, non-compos-mentis, imprisoned or beyond the seas, that then such person or persons shall be at liberty to bring the same action, so as they bring the same within such time as is before limited, after their coming to, or being of full age, discover, of sound mind, at large, or returned from beyond the seas, as other persons having no such impediment might have done.

CHAP. XVIII.

AN ACT to appoint Commissioners to run the Boundary line between this State and South-Carolina.

Commission-
ers appointed
to run the line.

WHEREAS, The provisional article of agreement entered into between the Commissioners of the State of North-Carolina, and the Commissioners of the State of South-Carolina, at M^r Kinney's, on Toxaway river, on the fourth day of September, in the year one thousand eight hundred and thirteen, hath been ratified by the Legislatures of the States of North-Carolina and South-Carolina respectively, and it is necessary that the line established by said provisional article should be run and marked.

Be it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same, That general Thomas Love, general Montfort Stokes and colonel John Patton, be, and the same are hereby appointed Commissioners on the part of this State, to meet such Commissioners as may be appointed by the State of South-Carolina, to run and mark said line, agreeably to said provisional article; and the said commissioners shall have power to employ one or more surveyors and chain-carriers; and the said commissioners, surveyors, and chain-carriers shall receive the same compensation for their services as those who have already been employed in running the Boundary line between this State and South-Carolina.

CHAP. XIX.

AN ACT to authorize the Courts of Pleas and Quarter-Sessions to employ suitable Persons to transcribe the Registers Books of their respective Counties, and for other purposes.

BE it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same, That the Courts of Pleas and Quarter-Sessions, shall have power to employ suitable persons to transcribe and index such of the Register's Books in their respective counties, as from decay or other causes may require to be transcribed or indexed, and the said books, when so transcribed and approved of by the said courts respectively, shall be deemed and taken as public records, and copies from said books of deeds and other conveyances, reports of commissioners appointed to make partition of real estates and all other papers required by law to be registered, certified by the registers for the time being, shall be received in evidence in the same way and under the same rules, regulations and restrictions as copies from the register's books have heretofore been received in evidence.

Clerks re-
quired to deli-
ver deeds, &c.
to Register.

II. *Be it further enacted*, That each of the Clerks of the Courts of Pleas and Quarter-Sessions, upon application of the register for his county at any time after ten days from the rise of each court, shall deliver to the said register all deeds and other instruments of writing admitted to probate, and then remaining in the office of the said clerk for registration, and shall at the same time pay over to the register the several fees for registering the same; and in case any one of the said clerks shall fail to deliver over such deeds and instruments of writing upon the application of the register as aforesaid, and to pay to the said register his fees as aforesaid, he shall for every such failure, forfeit and pay to the register the sum of fifty pounds, for which sum judgment shall be entered by the succeeding court upon motion on behalf of the register.

III. *Be it further enacted*, That all acts and clauses of acts which come within the purview and meaning of this act be, and the same are hereby repealed and made void.

Read three times and Ratified in General Assembly,
the 24th day of December, A. D. 1814.

GEO. OUTLAW, Speaker of the Senate.
F. NASH, Speaker of the House of Commons.

A true Copy, WILLIAM HILL, Secretary.

CHAP. XX.

1814

An Act for the better regulation of the Town of Wilkesborough, in the county of Wilkes—

WHEREAS it is found that the inhabitants of the town of Wilkesborough, labour under many difficulties for want of competent laws to regulate the same : for remedy whereof—

Be it enacted by the General Assembly of the State of North-Carolina and it is hereby enacted by the authority of the same, That five proper persons shall be annually chosen by the inhabitants of the said town, to act as Commissioners for the space of one year ; and it shall be the duty of the Sheriff of Wilkes, by himself or his lawful Deputy, on the first Monday in May next, and on the first Monday in May in each and every year thereafter, first advertising the same ten days at the Court-House door, to attend at the Court-House in Wilkesborough and hold an election for that purpose, under the same rules and regulations as other elections are held in said county.

II. *And be it further enacted,* That if the said Sheriff shall fail or neglect to hold the election aforesaid, he shall forfeit and pay the sum of ten pounds, to be recovered by any person suing for the same in his proper name, one half to the Commissioners of said town and the other half to the person suing for the same.

III. *And be it further enacted,* That any person residing in the county of Wilkes, and owning real property within the said town to the value of one hundred pounds, and upwards, shall be eligible to act as a Commissioner in the said town, and shall also be entitled to vote for Commissioners for said town ; and all free men of the age of twenty-one years, and upwards, who have resided in said town one month immediately preceding the day of election, shall be entitled to vote for a Commissioner as aforesaid.

IV. *And be it further enacted.* That the said Commissioners when elected and declared by the Sheriff, shall convene as soon thereafter as possible and enter upon the duties of their office, first taking and subscribing the following oath :—" I A. B. do solemnly and sincerely swear that I will do and execute the office of Commissioner for the town of Wilkesborough, to the best of my skill and ability," so help me God.

V. *And be it further enacted,* That the said Commissioners and their successors in office, shall have full power and authority to appoint a Treasurer, Clerk and such other officer as to them shall appear necessary and proper for the better regulation of said town ; and regulate the salaries of such officers.

VI. *And be it further enacted;* That the Commissioners shall have full power and authority to lay a tax on all property in said town, not exceeding ten shillings upon every hundred pounds, value of real property ; not exceeding five dollars upon every Store where goods, wares and merchandize are sold, and not exceeding two dollars upon every person who retails spiritous liquors within said town, nor exceeding ten shillings upon every free taxable poll who resides in said town ; and it is hereby expressly declared to be the duty of the Sheriff of said county, to collect the same, at the same time, and under the same rules and regulations as he collects all other taxes, and shall be entitled to the same fees as for collecting other taxes ; and shall pay over the same to the Treasurer of the said Board of Commissioners, all such monies as he shall have received on or before the first day of December, in each and every year, under the penalty of five pounds, to be recovered by the Treasurer of the Board of Commissioners, upon motion in open Court, at the first Court to be held for the County of Wilkes after such default shall happen.

VII. *And be it further enacted,* That the said Commissioners shall have full power and authority to make such bye-laws, rules and ordinances for the good government of the said town as to them may appear just and proper, not inconsistent with the Constitution and Laws of this State or the United States.

VIII. *And be it further enacted,* That all fines and forfeitures which may be incurred under the ordinances of the Commissioners of the said town shall be enforced and recovered before any Justice of the Peace of the county of Wilkes, subject to appeal as in all other cases ; and it is hereby declared and made the duty of the Justices of said county to respect the same as far as they are consistent with the laws and constitution of this State.

IX. *And be it further enacted,* That the said Commissioners shall obtain from the Clerk of the County Court of Wilkes, a copy of the returns of the list of taxables and taxable property in the said town, for each and every year, and cause the same to be delivered to the Sheriff within one month from the time the annual returns are delivered to him by the Clerk of the Court, with the rates of taxes by them imposed, which list shall be the guide of the said Sheriff for collecting the internal taxes of the said town ; and if such list, with the above rates are not delivered in due time, the said Sheriff shall not be liable to any fine or forfeiture incurred under this act.

X. *And be it further enacted,* That all acts and clauses of acts that come within the purview and meaning of this act be and the same is hereby repealed and made void, any law or usage to the contrary notwithstanding.

CHAP. XXI.

An Act for the further Regulation of the Town of Edenton.

BE it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same, That in addition to the powers and authorities vested in the Commissioners of the Town of Edenton, they are hereby authorised and empowered, to make such rules, regulations and ordinances, as a majority of them shall deem expedient, to prevent dogs running at large in said town, either by imposing penalties upon the owners of them, or by imposing taxes or otherwise, as to them shall seem most advisable.

II. *And be it further enacted,* That all taxes laid by them under this act, shall be levied, collected, and accounted for as other taxes, and enure to the use of said town—and all penalties by them imposed, shall be recovered before any competent jurisdiction in the name of the person suing for the same, one half to the use of such person, the other half to the use of the town.

III. *And be it further enacted by the authority aforesaid,* That the said commissioners or a majority of them, shall have full power and authority to appoint a gauger for said town, to hold his office during his good behaviour ; whose duty it shall be to gauge all barrels containing spiritous liquors which may be brought into said town for sale, and if he has any doubts of the capacity of the barrel it shall be his duty to draw out the contents by exact measures ; and for each barrel gauged, his fee to be fixed by the commissioners or a majority of them, shall not exceed twenty-five cents.

IV. *And be it further enacted,* That the gauger so appointed, before he enters on the duties of his office, shall take and subscribe an oath before some justice of the peace in said town, that he will faithfully perform the duties of his office, without partiality, favour, or affection.

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CHAP. XXII.

An Act to establish a Town on the Lands of Jonathan Hunt, in Buncombe county.

Be it enacted by the General Assembly of the State of North-Carolina and it is hereby enacted by the authority of the same, That Zepheniah Horton, Washington Hannuly, Enos Shields, William Rogers and Levi Bailey, be and they are hereby appointed Commissioners for the purpose of laying off a Town on the lands of Jonathan Hunt, in Buncombe county, on the waters of Little Ivey, by the name of Huntsborough; and it shall be the duty of said Commissioners, or a majority of them, as soon as may be, to lay off and exhibit a fair plan of said Town, in quarter, half or acre lots on such part of the land of said Hunt, as they or a majority of them may think proper; and when the said lots shall be so laid off, the same shall be at the entire will and free disposal of the said Commissioners; and the monies arising from the sale of said lots to be applied to the use of the said Jonathan Hunt.

CHAP. XXIII.

An Act to amend an act entitled "An act to provide for the better regulation of the Town of Smithfield," passed in one thousand eight hundred and two.

WHEREAS the burying ground in the Town of Smithfield, laid off under the direction of the above recited act, is too low and flat for that purpose, and is often in wet seasons covered with water: therefore—

Be it enacted by the General Assembly of the State of North-Carolina and it is hereby enacted by the authority of the same, That the Commissioners of the Town of Smithfield, or a majority of them, shall have power to sell the present burying ground, or any part thereof, which may appear to them the most advisable; and may with the proceeds of the sale of the same, purchase other lots, or otherwise appropriate a part of the town commons for a public burying ground.

II. *And be it further enacted,* That William Sasser, be, and he is hereby appointed Commissioner of said Town, in addition to those heretofore appointed by law; and when the said Commissioners or a majority of them, shall have set apart the public burying ground as aforesaid, it shall thenceforth be considered the duty of the citizens of the said Town to bury their dead in the burying ground set apart for that purpose, as aforesaid.

III. *And be it further enacted,* That all forfeitures heretofore incurred in consequence of a non-compliance with the before recited act, be and the same is hereby remitted: Any law, usage or custom to the contrary, notwithstanding.

CHAP. XXIV.

An act to appoint Commissioners for the better regulation of Elizabeth Town, in the county of Bladen.

Be it enacted by the General Assembly of the State of North-Carolina and it is hereby enacted by the authority of the same, That John Ellis, John Macgill, John B. Cowan, Ezekiel Allen and James I. Cummins, be, and they are hereby appointed Commissioners of Elizabeth Town, in the county of Bladen; and they are hereby vested with full power and authority to enter into such rules and adopt such measures as they or a majority of them may deem expedient for the good regulation and government of said Town.

II. *Be it further enacted,* That on the death, resignation, inability or removal of any of the Commissioners aforesaid, it shall be lawful for the remaining Commissioners, or a majority of them, to elect others to supply their place, who shall have equal authority and power with the Commissioners hereby appointed.

CHAP. XXV.

An act to amend an act passed in the year one thousand eight hundred and six, entitled, "an act to establish two Turnpike Roads in the western part of this State."

BE it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same, That so much of the third section of the above recited act, as authorises the County Court of Wilkes, to appoint three commissioners to view and examine said Road, and report the same to the county court at least once in each and every year, is hereby repealed and made void.

II. *Be it further enacted,* That the County Court of Wilkes, at the first term after the first day of May next, and in like manner in each and every year thereafter, shall appoint one discreet person convenient to said road, as a commissioner to view and examine said road twice in each and every year, whose duty it shall be to report to the next county court that shall happen after said examination of said road, the true situation of the same; and said commissioner shall be entitled to demand and receive from the proprietor of said road, one Dollar, for each and every day he may be necessarily engaged in making said examination, to be recovered in the same manner as other debts before any jurisdiction having cognizance of the same.

III. *Be it further enacted,* That in case said commissioner fails to comply with the duty imposed by this act, he shall forfeit the sum of ten dollars for each and every neglect, to be recovered before any jurisdiction having cognizance of the same, one half to the use of the informer, the other half to the use of the poor of the county.

CHAP. XXVI.

An act to authorise the Commissioners of the Town of Beaufort, in the County of Carteret, to appoint one or more auctioneers, and pointing out the duty of the Auctioneers so appointed.

BE it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same, That the Commissioners of the Town of Beaufort, in the County of Carteret, shall have power immediately after the next election after the passing of this act, and from time to time, to appoint one or more, not exceeding three persons to act as auctioneers, who shall give bond with two securities in the sum of five thousand pounds, to be filed in the clerk's office of the county in which the said town is situated; and the auctioneers so appointed, shall exclusively have the right of selling by auction, property of every kind which shall be exposed for sale at auction in said town, except as hereinafter excepted.

II. *And be it further enacted,* That the said auctioneers shall be authorised to demand and receive from any person requiring their services, such commissions as they may mutually agree on, and for want of such agreement not more than three and one half per centum; and they shall keep a correct account of all sales by them made, which shall at all times be subject to the inspection of said commissioners or any person they may appoint; and also on the payment of one shilling for a search, to that of

any other person interested therein : *Provided*, such interested person shall have no right to examine any part of such books except such as may relate to his or her own particular concern. 1814

III. *And be it further enacted*, That the said auctioneers shall yearly, on such day as may be appointed by said commissioners, account for and pay to such commissioners one per centum on the total amount of all sales made by them.

IV. *And be it further enacted*, That if any of said auctioneers shall fail or refuse to account for and pay the proceeds of any sale by them made, it shall and may be lawful for the person entitled thereto, to enter up judgment in the county or superior court of the said county of Carteret, ten days previous notice being given to the auctioneer—But if the said auctioneer shall deny the whole or any part of the claim of the plaintiff, a jury shall be impannelled instanter to try any issue made up thereon, and the said auctioneer and plaintiff respectively, shall be entitled to summon witnesses to appear at the term or session in which notice of an intention to enter up judgement shall have been given : *Provided nevertheless*, That nothing herein contained shall extend or be construed to extend to any sale made by order of any court, or by any sheriff, coroner, or constable by virtue of his office, or of the goods and chattels of any deceased person or minor, or the sale of any goods and chattels the property of the vendor.

CHAP. XXVII.

An act to revive the second section of an act passed in the year one thousand eight hundred and one, entitled "an act to revive an act passed in the year one thousand seven hundred and ninety four, for the regulation of the City of Raleigh, and to amend the same, and for other purposes."

Be it enacted by the General Assembly of the State of North-Carolina and it is hereby enacted by the authority of the same, That from and after the passing of this act, the said second section of the above recited act, which declares that no merchant or shop-keeper shall keep open his or their store or shop on the Sabbath day, for the purpose of selling or retailing any thing thereout, on pain of forfeiting ten pounds, be and it is hereby declared to be revived and in as full force as if the same had not been repealed ;—*And it is further enacted*, That Dealers in Spirits by the small measure, shall be considered as shop-keepers, under the meaning of this act.

II. *Be it further enacted*, That the Constable of the city of Raleigh shall have the same powers and be bound by the same rules as constables of the county of Wake, to apprehend all offenders against the state within the limits of the said city, and carry them before the Intendant of Police, or some Justice of the Peace, for which he shall be allowed the same fees as the constables of the county aforesaid ; to be paid by the party offending, if found guilty, or by the Commissioners in case of acquittal.

III. *Be it enacted*, That the inhabitants of the city when classed by the Commissioners, as a City Watch, shall be compelled by themselves, or by good substitutes, to serve in turn when ordered out by the Intendant of Police or other person appointed by the City Commissioners as directors of the watch, under the penalty of ten shillings, to be recovered by warrant, before the Intendant, in the name of the Commissioners, for the use of the City.

IV. *Be it enacted*, That the Jailor of the county of Wake, is hereby authorized and required to receive into the Jail, under his care, any person or persons taken up in the night by the city watch or constable without mittimus, and him, her or them safely keep until the morning, when the offender or offenders shall be brought before the Intendant of Police or some other magistrate, and dealt with agreeably to the directions of the ordinances of the city ; for which services the Jailor shall be entitled to his usual fees.

V. *Be it further enacted*, That in all sales of lots or parts of lots for city taxes, the Chairman of the Board of Commissioners is hereby authorized and empowered to execute the proper deeds of conveyance for the same ; and all such deeds shall be as valid in law as if signed by all the Commissioners of said City.

VI. *Be it further enacted*, That when any inhabitant of the city aforesaid shall fail to pay within the time prescribed by law, any tax which may have been laid by the city commissioners, agreeably to the powers and authorities in them vested, it shall be lawful for the city constable or collector of said tax to proceed to the sale of any property of such person, in order to raise the amount of such tax, and the expence attending such sales.

VII. *And be it further enacted*, That the said Board of Commissioners are authorized to remove the Necessary Houses on Union Square to some proper and convenient places, as may be fixed on by said commissioners : *Provided*, That the free use of said Houses shall be secured to the Officers of State, and the Members and Officers of the Legislature of this State.

CHAP. XXVIII.

An act to amend an act passed at Raleigh on the twenty-fifth day of December, Anno Domini, one thousand eight hundred and thirteen, entitled "an act to appoint commissioners for the better regulation of the Town of Lumberton."

WHEREAS, It is believed, the powers granted to the Commissioners of the Town of Lumberton by the above recited act, are not sufficiently extensive for the regulation of said town—

BE it therefore enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same, That the said commissioners and their successors in office be, and they are hereby empowered and authorised to remove all kind of nuisances, and prevent the existence of nuisances within the said town.

And be it further enacted, That the said commissioners have power to regulate or prevent the practice of raising stock of any description within the limits of said town, under such penalty as the commissioners may think proper to lay, not exceeding ten dollars for each and every offence.

CHAP. XXIX.

An Act to amend an act entitled "an act concerning the Turnpike Roads in Buncombe county," passed last session of the General Assembly."

BE it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same, That the second section of the above recited act be, and the same is hereby repealed and made void, in consequence of the commissioners appointed in the said section having refused to act,

AND WHEREAS, The State line has stricken off a material part of the south Turnpike Road, and the act of one thousand eight hundred and twelve relative to the said roads has given an addition at the north end of the said south turnpike.

It is hereby enacted by authority aforesaid, That Samuel Murry, junior, George B. Greer, and James

1314 Kirkendale, be, and they are hereby compelled to take the part of the said road, which was added by the act of Assembly passed in the year one thousand eight hundred and twelve as aforesaid, instead of that stricken off by the state line.

AND WHEREAS, James Kirkendale is compelled by an act passed last session of the General Assembly to keep up one half of the said turnpike road, and to receive one half of the toll—therefore

III. *Be it enacted*, That the County Court of Buncombe, be, and the same is hereby authorised to appoint five commissioners when application shall be made, to divide the remainder of the said road into two equal parts, as a majority thereof may determine, and the said Samuel Murry and George B. Greer, shall, each of them be accountable for all fines, forfeitures and penalties incurred by neglect or misdemeanor on his part of said road.

IV. *And be it further enacted*, That the said turnpike road shall be kept up under the same rules, regulations and restrictions as have been heretofore prescribed by law; and if either of the proprietors of the turnpike roads aforesaid shall become insolvent, or unable to pay the cost or fine of any indictment found against him in consequence of omission or neglect in doing his duty on such part of said road as falls to his share, it shall be lawful for the Sheriff of Buncombe county to execute and sell such delinquent's part of the said turnpike roads, in the same manner as other property, for the purpose of satisfying such fine and cost; and the said turnpike road shall be kept open from William D. Smith's to David M'Carson's, senior, as laid off by the commissioners of one thousand eight hundred and nine.

V. *Be it further enacted*, That it shall be lawful for Job Barnett and John Welch, to divide their turnpike road in such manner as they may think proper, so that the same shall not effect the rights and privileges of travellers; and after the said road is so divided, each of them shall not be entitled to receive more than one half of the toll heretofore established by law; and each of them shall be only accountable for his respective share of the said road so divided as aforesaid.

CHAP. XXX.

An Act to extend to Duncan M'Farland the privilege to establish two Turnpike Roads.

BE it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same, That from and after the expiration of the former act, the proprietor of the aforesaid Turnpikes, his heirs, or assigns, shall be allowed the further time of five years to perform the labour necessarily required under the same rules, regulations and restrictions as prescribed in the aforesaid act, entitled "An act to empower Duncan M'Farland to open and keep in repair two turnpike roads."

CHAP. XXXI.

An act to amend an act, entitled "an act to amend an act to authorise the Commissioners of the Town of Hillsborough, to rent out part of the Town Commons and for other purposes," passed in the year one thousand eight hundred and thirteen.

BE it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same, That the said Commissioners of a majority of them be, and they are hereby authorised and empowered to lay annually hereafter, a tax on the inhabitants of said Town, not exceeding fifty cents on each free male poll twenty-one years of age and upwards, and on every black poll between the ages of twelve and fifty—fifty cents on every one hundred pounds value of real property in said town: and at that rate on every unimproved lot or part of a lot, and fifty cents on every wheel of a carriage of pleasure—Which taxes shall be laid and collected in the same manner, and under the same rules, regulations and restrictions as taxes may be laid and collected by the laws now in force for the regulation of said town; and when collected, as also the monies that may arise from leasing the commons of said town by virtue of the said recited act, shall be applied to clearing, cleansing and repairing the streets and public passages of said town, paying officers for transacting business of said town, and in such other public work and business as the said commissioners or a majority of them shall, or may deem necessary.

II. *And be it further enacted by the authority aforesaid*, That the second section of the before recited act, be, and the same is hereby repealed and made void.

III. *And be it further enacted by the authority aforesaid*, That from and after the passing of this act, every free person of the age of twenty-one years and upwards, seized and possessed of a free hold within the said town of Hillsborough, shall be entitled to vote for commissioners of said town.

IV. *And be it further enacted by the authority aforesaid*, That it shall be the duty of the said commissioners to hold a meeting of the board once in each and every month, and that the ordinances made by the board, shall not become binding until two weeks after being so made and published, by affixing a copy of them to the court-house door.

V. *Be it further enacted*, That the said commissioners shall publish an annual statement of their receipts and expenditures: a copy of which statement or account shall be posted up at the door of the court-house, under a penalty of fifty pounds to be recovered of said commissioners by action of debt one half to the use of the town, the other half to the use of the person suing for the same: *Provided*, every action for the recovery of said penalty shall be brought within six months after the time when said statement should have been made and published, and not afterwards.

VI. *And be it further enacted*, That no person shall be eligible as a commissioner of said town, who is not seized, or possessed of a free hold within the same.

CHAP. XXXII.

An act to establish one other separate Election in the County of Orange.

BE it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same, That in future, an Election shall be held at the house of Andrew M'Cauley, in Orange county, on the second Thursday in August, in each and every year, for the purpose of electing members of the General Assembly, representatives to Congress, and Electors to vote for President and Vice President of the United States, whenever the same shall be required by law—which said election shall be under the same rules, regulations and restrictions as other separate elections are held in said county.

CHAP. XXXIII.

An Act for the removal of a Separate Election in the county of Rockingham.

BE it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same, That in future, the separate Election which has been heretofore established at

the house of Robert Joyce, in the county of Rockingham, be and the same is hereby removed to, and established at the house of William Jinnings, which separate election shall be opened and held for the same purposes, on the same days and under the same rules, regulations and restrictions as have been heretofore prescribed by law, for the regulations and government of other separate elections in said county.

CHAP. XXXIV.

An act to alter the places of holding two Separate Elections in the counties of Iredell and Rowan, and establish one other Separate Election in the county of Cabarrus.

Be it enacted by the General Assembly of the State of North-Carolina and it is hereby enacted by the authority of the same, That from and after the passing of this act that the separate election heretofore held in the county of Iredell, at the house of Elisha S. Kirksey, be hereafter held at the house of Matthew M'Pherson, in said county; and the election heretofore held at the house of Philip Mock in the county of Rowan, shall hereafter be held at the house of Christian Haines in Frederick Town in said county, which said elections shall be holden under the same rules, regulations and restrictions, and for the same purposes as other separate elections are in said counties respectively; and the laws directing the elections heretofore held at the houses of Phillip Mock in the county of Rowan, and Elisha S. Kirksey in the county of Iredell, be and the same are hereby repealed and made void.

II. *And be it further enacted,* That a separate election for members to the General Assembly, a member to Congress, and an elector to vote for a President and Vice President of the United States, shall in future be held at the house of Samuel Black in the county of Cabarrus, on the same day, and under the same rules and regulations as are now prescribed by law for holding a separate election in said county at the house of Frederick Peck.

CHAP. XXXV.

An act to alter the place of holding a Separate Election in the county of Rockingham.

BE it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same, That Lewis Peeples, John Odeniel, William Dearing, Benjamin Fewell, John Lacey and William Hand, be and they are hereby appointed commissioners for the purpose of ascertaining some suitable place for holding a separate election in the west end of Rockingham county, instead of that which has been heretofore held at the Rocky Springs; and the opinion of a majority thereof shall be binding and decisive, and they shall ascertain the same previous to the first day of May, and make return to the next succeeding county court.

II. *And be it further enacted,* That hereafter an election shall be held at the place so ascertained by a majority of the commissioners aforesaid instead of the Rocky Springs as heretofore; and the same shall be conducted under the same rules, regulations and restrictions as heretofore prescribed by law for the government of separate elections in said county.

CHAP. XXXVI.

An act for the removal of a Separate Election in the county of Franklin.

Be it enacted by the General Assembly of the State of North-Carolina and it is hereby enacted by the authority of the same, That a separate election shall in future be opened and held at Charles Hays' tavern in the county of Franklin, at such times as are prescribed by law for electing members of the General Assembly, Representatives to Congress and electors to vote for President and Vice President of the United States, which elections shall be opened, conducted and closed on the same days, and under the same rules, regulations and restrictions as are prescribed for the government of other separate elections in said county.

II. *And be it further enacted,* That so much of the existing laws as relate to the establishment of a separate election at Brown's Store in the county aforesaid, be, and the same is hereby repealed and made void.

CHAP. XXXVII.

An Act to establish a Separate Election in the county of Gates.

Be it enacted by the General Assembly of the State of North-Carolina and it is hereby enacted by the authority of the same, That it shall hereafter be the duty of the Sheriff of Gates county, or his lawful deputy to open and hold an election at the house of Jacob S. Powell, of the county aforesaid, on the second Thursday of August in each and every year, for members of the General Assembly, and at such other times as the existing laws prescribe for representatives to Congress, and electors to vote for President and Vice President of the United States.

II. *And be it further enacted,* That in all separate elections which may be held at the place aforesaid for members of the General Assembly, it shall be the duty of the said sheriff or his lawful deputy at the close of the polls to count out the votes there taken, and the number of votes in favour of each candidate shall be by the said sheriff or his lawful deputy transmitted to the court house on the day following and added to the votes then and there taken, and the candidates having the greatest number of votes shall at the court house door be declared duly elected accordingly.

CHAP. XXXVIII.

An act to remove two of the Separate Elections in the county of Orange.

BE it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same, That the separate election heretofore held at Bullock's Store, shall in future be held at the house of John Carrington senior, and the separate election heretofore held at the house of Elizabeth Nunn at Chapel Hill, shall hereafter be held at the house of Edward Robson in the Village of the University.

II. *And be it further enacted,* That the said elections shall be held and conducted under the same rules, regulations and restrictions in all respects as they have heretofore been at the said Bullock's store and Elizabeth Nunn's, any law or usage to the contrary notwithstanding.

CHAP. XXXIX.

An act to establish one other Separate Election in the county of Wilkes, and to remove one of the Separate Elections in said county.

Be it enacted by the General Assembly of the State of North-Carolina and it is hereby enacted by the authority of the same, That in future a separate election shall be opened and held in the county of

1814 Wilkes, in the School House near Captain Levi Coffey's muster ground; and the separate election heretofore held at James Ray's in said county, shall hereafter be held at Niely Howard's mill on Elk Creek; which said elections shall be held on the same days, and under the same rules, regulations and restrictions as now govern all other separate elections in said county, any law to the contrary notwithstanding.

CHAP. XL.

An act to remove one of the Separate Elections in the county of Northampton.

BE it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same, That the separate election heretofore held at Macconville in the county of Northampton, be and the same is hereby removed to the Store House of Colonel James T. Sykes, in the county aforesaid, there to be held under the same rules, regulations and restrictions as are already provided for by law.

CHAP. XLI.

An act to alter the place of holding one of the Separate Elections in the county of Camden.

BE it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same, That the election heretofore held at the house of Joshua Bartlieff, be hereafter held at the house of Edward S. Pugh in said county, under the same rules, regulations and restrictions as other separate elections are held in said county, any law to the contrary notwithstanding.

CHAP. XLII.

An act to repeal an act passed in the year one thousand eight hundred and three, entitled "An act granting Separate Elections to the Inhabitants of Wake and Halifax counties, and for other purposes, so far as respects the county of Wake," and for other purposes.

Be it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same, That the before recited act so far as respects the county of Wake, be and the same is hereby repealed and made void.

II. *And be it further enacted,* That Lodwick Alford, William Fowler, Andrew Hartsfield, Esquire, Captain John Robertson and Charles King Esquire, be and they are hereby appointed Commissioners for the purposes herein after mentioned.

III. *And be it further enacted,* That it shall be the duty of the said Commissioners or a majority of them on or before the fifteenth day of February next, to fix on some proper place for holding a separate election in the said county of Wake, on the east side of Neuse River, for the convenience of the citizens of Wake county who reside on or near the waters of Buffalo Creek, Little River, Markerson, and Marks Creeks; and the place so fixed on by them or a majority as aforesaid, shall be certified by them and returned to the Court of Pleas and Quarter Sessions of said county, at their February Sessions one thousand eight hundred and fifteen, and at the place so fixed upon a separate election shall be held at the times prescribed by law, for the purpose of electing members of the General Assembly, representatives in Congress, and electors to vote for a President and Vice President of the United States, which election shall take place and be governed by the same rules, regulations and restrictions as have been heretofore, or may be hereafter prescribed in the government and regulation of other separate elections in said county.

CHAP. XLIII.

An act allowing compensation to the Sheriff or returning officer who shall hold the poll for the Election of members to represent the county of Carteret in the General Assembly, and for members of Congress, and for electors to vote for President and Vice President of the United States.

Be it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same, That from and after the passing of this act, the court of pleas and quarter sessions for the county of Carteret, be and they are hereby authorized to grant a reasonable compensation to the Sheriff or other returning officer who shall hold the poll at Ocracock, Portsmouth, Cedar Island Straits, Bogue Sound, Hunting Quarter, and White Oak, for the election of members to represent the county of Carteret in the General Assembly, and for members of Congress, and for electors to vote for President and Vice President of the United States.

II. *Be it further enacted,* That whenever the court of pleas and quarter sessions shall have made the allowance to the sheriff or, returning officer, who shall hold the polls at the places mentioned in the foregoing section of this act, it shall be the duty of the County Trustee of said county immediately to pay the said sheriff or returning officer, the said compensation.

III. *And be it further enacted by the authority aforesaid,* That if the sheriff or returning officer aforesaid, shall fail or neglect to perform the duties imposed by this act, and the existing laws of this State, shall forfeit and pay the sum of twenty five pounds; one half to the use of the said county, and the other half to the use of the person who shall sue for the same, to be sued for and recovered before any jurisdiction having cognizance of the same.

CHAP. XLIV.

An act to establish an Academy in the county of Iredell.

WHEREAS a number of the citizens of Iredell County are desirous of establishing an Academy for the promotion of learning—

Be it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same, That the Reverend Doctor James Hall, John Huggins, Mussendine Matthews, James Irwin, John Nesbit, Miles Nesbit, Robert Worke, Robert Simenton, Richard Allison, George L. Davidson, William M'Knight, Francis Young, Collins Campbell, James Stewart and Samuel King, shall be and they are hereby declared to be a body politic and corporate to be known and distinguished by the name of "The Trustees of the Clio Academy," and by that name shall have perpetual succession, and that the Trustees aforesaid or a majority of them, shall be capable in law to take, demand, receive and possess all monies, goods and chattels that shall be given for the use of the said Academy, and the same apply according to the will of the donors; and by gift purchase or devise to take, have, receive, possess, enjoy and retain to them and their successors forever; any lands, rents, tenements and hereditaments of what kind or nature soever in special trust and confidence that the same, or the profits thereof be applied to, and for the use and purpose of establishing and endowing the said Academy;

and all purchases by them made of real and personal estate in their names as trustees aforesaid, and all 1814 contracts entered into by them as aforesaid, are hereby declared to be valid to all intents and purposes which are herein mentioned.

II. *And be it further enacted by the authority aforesaid,* That the said trustees and their successors or a majority of them by the name aforesaid, shall be able and capable in law to bargain, sell, grant, demise, alien or dispose of and convey such lands, rents, tenements or hereditaments as aforesaid, when the will of the grantor or donor doth not forbid the same. *And further,* That the said trustees and their successors forever, or a majority of them, shall be able and capable in law, by the name aforesaid, to sue and be sued, plead and be impleaded, answer and be answered in all courts of record in this State.

III. *And be it further enacted by the authority aforesaid,* That the said trustees and their successors, or a majority of them, shall have and are hereby declared to have full power to make and ordain such laws and regulations for their own government, and for the regulation and government of said Academy, and preservation of order and good morals therein, as are usually made in such seminaries, and as to them may appear necessary, and shall be able and capable to act, and do all things for the promotion of said seminary in as full and ample a manner as any body politic or corporate can or may do by law.

IV. *And be it further enacted by the authority aforesaid,* That the said trustees, or a majority of them, are hereby authorized to raise by lottery or lotteries, the sum of two thousand dollars, for the use and benefit of said Academy.

V. *And be it further enacted by the authority aforesaid,* That upon the death, resignation, inability or refusal to act, removal out of the district of any of the said trustees, it shall and may be lawful for the remaining trustees, or a majority of them, to elect others in the room of such trustees dying, resigning, refusing to act, unable to attend, removed, or to increase the number as aforesaid; and that the trustee or trustees so elected shall have equal power, authority and capacity with the trustees hereby appointed.

VI. *And be it further enacted by the authority aforesaid,* That this act shall be in force from and after the day of its ratification.

CHAP. XLV.

An act to incorporate the Trustees of the Rush Academy, on Mattamuskeet, in Hyde county.

BE it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same, That the School-House, in Hyde county, generally known and called by the name of Strayhon's School-House, shall be hereafter known by the name of Rush Academy.

II. *Be it further enacted,* That Joseph Masters, William Selby, Jacob Gaskill, senior, William Swindle, Benjamin Watson and Thomas Spencer, be and they are hereby ordained and constituted a body corporate, to be known by the name of the Trustees of Rush Academy, and by that name shall have perpetual succession; and they or their successors, or a majority of them, by the name aforesaid, shall be able and capable in law to sue and be sued, plead and be impleaded in any court of record within this State; and shall take, demand and receive any property, real or personal, any monies or other things which shall be given for the use of said Academy, and the same to apply according to the will of the donor, and by gift, purchase or devise, to take, have and possess, receive, enjoy and retain to them and their successors forever. any lands, rents or tenements of whatever nature or kind soever, in special confidence, that the same or the profits thereof be applied to and for the purpose of establishing and endowing the said Academy.

II. *And be it further enacted,* That the said trustees, or a majority of them, shall have authority to make such bye-laws and regulations as are usual in such seminaries; and to appoint other trustees, who shall have the same powers and authority as are granted to the other trustees appointed by this act.

CHAP. XLVI.

An act to amend an act passed at the last Session of the General Assembly, entitled "An act for erecting an Academy in the Town of Tarborough."

BE it enacted by the General Assembly of the State of North-Carolina and it is hereby enacted by the authority of the same, That so much of an act passed at the last session of the General Assembly, entitled "An act for erecting an Academy in the town of Tarborough," as relates to the appointment of a President, and constitutes him a member of the Board of Trustees, be and the same is hereby repealed and made void.

II. *And be it further enacted by the authority aforesaid,* That the number of trustees of said institution be increased to eighteen, to be appointed by those now constituting the Board by virtue of the act of the last session.

CHAP. XLVII.

An act to incorporate the Trustees of the Hillsborough Academy.

BE it enacted by the General Assembly of the State of North-Carolina and it is hereby enacted by the authority of the same, That William Kirkland, James Phillips, A. B. Bruce, Frederick Nash, Henry Thompson, junior, John Taylor, James Webb, Thomas Ruffin and David Yarborough, be, and they are hereby ordained and constituted a body corporate, to be known by the name of the Trustees of the Hillsborough Academy, and by that name shall have perpetual succession; and they, or their successors, or a majority of them, by the name aforesaid, shall be able and capable in law to sue and be sued, plead and be impleaded in any court of record within this State; and shall take, demand and receive any property, real or personal, any monies or other things which shall be given for the use of said Academy; and the same to apply according to the will of the donor; and by gift, purchase or devise, to take, have and possess, receive, enjoy and retain to them and their successors forever, any lands, rents or tenements of whatever nature or kind soever in special confidence; and that the same, or the profits thereof, be applied to and for the purpose of establishing and endowing the said Academy.

II. *And be it further enacted,* That the said trustees, or a majority of them, shall have power to appoint such Professors and Tutors, as to them shall appear necessary, also a Treasurer, and Secretary, upon such conditions and with such restrictions as they may deem proper; and the said trustees, or a majority of them, shall have power to make all such laws and regulations for the government of said Academy, and for the preservation of order and good morals therein, as they may deem necessary.

III. *And be it further enacted,* That upon the death, removal, inability or refusal to act, or resignation of any of the trustees, it shall be lawful for the remaining trustees, or a majority of them, to elect other

1314 trustee or trustees in the room of such as die, resign, remove or refuse to act, and the trustee or trustees so elected shall have equal power, authority and capacity with the trustees hereby appointed.

IV. *And be it further enacted*, That the said trustees, or a majority of them, shall have authority to make such regulations and bye-laws as are usual in such seminaries, and to appoint other trustees, who shall have the same powers and authority as are granted to the other trustees appointed by this act.

CHAP. XLVIII.

An act to establish a Free-School in the county of Duplin.

BE it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same, That James Wright, Joseph M'Gowan, Andrew Hurst, John Oliver, Bazil Kornegay, Daniel Glisson, Joseph Thomas Rhodes, Benjamin Lanier, John Boney, John Hutham, John Stallings, Henry Grady and James Hall, shall be, and they are hereby declared a body politic and corporate, to be known and distinguished by the name of the Trustees of the Free-School of the county of Duplin: and by the name aforesaid they shall have perpetual succession, and a common seal; and they, or a majority of them, shall be able and capable in law to take, demand, receive and possess all money, goods and chattels, that shall be given them from charitable motives for the use of said Free-School, and the same to apply according to the will of the donor; and by gift, purchase or devise, shall have, receive and retain to them and their successors forever, any lands, rents, tenements or hereditaments of what kind or nature the same may be, in special trust and confidence, that the same or the profit thereof or all be applied for the purpose of establishing and endowing the said Free-School.

II. *And be it further enacted*; That the said trustees, or a majority of them, shall determine on the place of establishing the said Free-School, and adopt such rules and regulations for erecting the buildings and for the government of said Free-School, and particularly for the preservation of religion, order and good morals therein, as a majority of the said commissioners or trustees may devise for that purpose, and they are hereby declared to possess the same powers which the trustees of any other seminary of learning within this State have or may possess or enjoy: *Provided*, The same are not contrary to the Constitution of this State or the United States.

III. *And be it further enacted*, That upon the death, resignation, removal or refusal to act of any of the said trustees, it shall be lawful for the remaining trustees, or a majority of them, to appoint others to act in their room; and when so elected they shall have the same powers as those appointed by this act.

IV. *And be it further enacted*, That the said trustees shall enter into bond for such sum as the County Court of Duplin shall think proper, payable to the Chairman of the County Court of Duplin, for the time being, and his successors, for the faithful performance of the duties of their appointment.

CHAP. XLIX.

An act to incorporate the Trustees of the Louisburg Female Academy, and for other purposes.

Be it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same, That John D. Hawkins, Green Hill, junior, Jesse Person, Robert A. Taylor, William Murphey, Benjamin F. Hawkins, Jordan Hill, Nathan Patterson, Richard Fenner, Richard Inge, Joel King and Alexander Falkner, be, and they are hereby constituted a body corporate, to be known by the name of the Trustees of the Louisburg Female Academy, and by that name shall have perpetual succession; and they or their successors, or a majority of them, by the name aforesaid, shall be capable in law to sue and be sued, plead and be impleaded in any of the Courts of record within this State; and shall take, demand and receive any property, real or personal, and any monies or other things which may be given for the benefit of said institution, and the same to apply according to the will of the donor, and by gift, purchase or devise, to take, have and possess, receive, enjoy and retain to them and their successors forever, any lands, rents or tenements of what nature or kind soever, to be applied by them to the use of the said Academy.

II. *Be it further enacted by the authority aforesaid*, That the above named trustees, or a majority of them, shall have power to fill any vacancy or vacancies which may happen from any causes whatsoever; and that the trustees appointed under this clause, shall have and possess all the powers granted to those named in the first clause of this act.

III. *And be it further enacted by the authority aforesaid*, That the said trustees are hereby invested with full power to employ Teachers, and make all such laws, rules and regulations as they may think best calculated to promote the interest of the said institution.

IV. *And be it further enacted by the authority aforesaid*, That the Commissioners of the town of Louisburg, or a majority of them, are hereby empowered to execute a deed to the trustees of said Academy, for such quantity of the town lands, unappropriated, as they may think proper, for the purpose of erecting the said Academy on, and such other houses as they may deem necessary.

CHAP. L.

An act to incorporate the Trustees of the Union Academy in the county of Halifax.

Be it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same, That James Harriss, John Alston, Rhesa Read, Willis Alston junior, and Richard Jones, be and they are hereby ordained and constituted a body corporate to be known by the name of the "trustees of the Union Academy," and by that name shall have perpetual succession, and they or their successors or a majority of them, or those appointed by them by the name aforesaid, shall be capable in law to sue and be sued, plead and be impleaded in any of the Courts of Record within this State; and shall take, demand and receive any property real or personal, and any monies or other things which may be given for the use of the said Institution, and the same to apply according to the will of the donor; and by gift purchase or devise to take, have and possess, receive, enjoy and retain to them and their successors forever any lands rents or tenements of what nature or kind soever, to be applied by them to the use and benefit of said Academy.

II. *Be it further enacted by the authority aforesaid*, That the above named trustees or a majority of them shall have power to fill any vacancy or vacancies which may happen from any cause whatsoever, also to increase the number of Trustees to any number they may think proper, not exceeding six in addition to the number by this act created, and the additional trustees to be appointed under this clause shall have and possess all the powers granted to those named in the first section of this act.

III. *And be it further enacted by the authority aforesaid*, That the said trustees are hereby invested with

full power to employ such Teachers and make them such compensation as they may think proper, and to make all such bye laws, rules and regulations as they may deem best calculated to promote the interest of the said Academy.

CHAP. LI.

An act to establish and incorporate an Academy at Greenville, in the county of Pitt.

BE it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same, That Arthur Forbes, Richard Evans, George Eason, George Greene, Jesse Randolph, David Smith, David A. Telfair, Hardie Smith, James Sheppard, John Mcoring, Franklin Gorham, Marshall Dickerson and Robert Williams, shall be, and they are hereby declared a body politic and corporate to be known and distinguished by the name of the Trustees of the Greenville Academy, in the county of Pitt, and by that name they shall have perpetual succession; and they or a majority of them, by the name aforesaid, shall be able and capable in law to take, demand, receive and possess all monies, goods and chattels that shall or may be given for the use of the said Academy; and the same apply according to the will of the donor; and by gift, purchase or devise to take, receive and possess by them and their successors forever, any lands, rents or tenements of what kind or nature soever, in special trust and confidence, that the same or the profits thereof be applied to and for the purpose of establishing and endowing said Academy; and shall be capable of pleading and being impleaded by their proper officers, either in law or equity, for any money or other things which may be given, devised or subscribed for the use of said Academy.

II. *And be it further enacted,* That the said trustees, or a majority of them, shall have power to appoint such Professors or Tutors, as to them shall appear necessary; also a Treasurer and Secretary, on such terms and conditions, and under such restrictions as they may think proper. And the said trustees, or a majority of them, shall have full power to make all such laws and regulations for the government of said Academy, and for the promotion and observance of order and morality therein, as they may deem necessary, not inconsistent with the laws or constitution of this State.

III. *And be it further enacted,* That on the death, removal from the county, inability or refusal to act, of any of the said trustees, it shall and may be lawful for the remaining trustees, or a majority of them, to elect other trustees in the place and stead of such as die, remove, resign or refuse to act; and the trustee or trustees so elected shall have equal power and authority with the trustees hereby appointed.

CHAP. LII.

An act to provide for a settlement with the Court Officers of Buncombe county.

BE it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same, That George Swain, James Whitaker and James Gudger be, and they are hereby appointed Commissioners, and vested with full power and authority to demand a settlement with all delinquent Sheriffs, county Trustees, Wardens of the poor, Clerks of the courts, Treasurer of public buildings, and all other officers entrusted with public money for the county of Buncombe, from the first day of July, one thousand eight hundred and four, to the first day of January one thousand eight hundred and fifteen; and after that period annually, in the week of the county court of said county which shall happen after the first day of January, in each and every year thereafter.

II. *And be it further enacted,* That the aforesaid commissioners may hold their meeting at the Court House, and shall at their first meeting or any subsequent, issue summonses signed by them respectively, to all delinquents, holders of money as aforesaid—or in case of death of any such officer, for their legal representatives to appear before the said commissioners at the time and place therein specified, to render a true account of the appropriations of all monies by them collected or received, during the aforesaid period, and annually thereafter; and when any of the aforesaid officers shall remove out of said county, the commissioners shall issue their summons to the Sheriff of any county in this State: but in case any such officer or officers shall be residents within the county of Buncombe, the summons as to him or them shall be directed to the Coroner thereof, whose duty it shall be to execute the same at least fifteen days previous to the meeting of said commissioners, and to make return at the same time and place therein mentioned, for which he shall be allowed the same fees, and be subject to the same penalties for non-compliance as if such process had issued from a court of record.

III. *And be it further enacted,* That it shall be the duty of the said commissioners to procure all testimony either oral or written which comes within their knowledge, and for that purpose shall have the same power to compel the attendance of witnesses by subpoena, as is now exercised by courts of record within this State.

IV. *And be it further enacted,* That all subpoenas by them issued, shall be directed to the coroner, whose duty it shall be to execute the same at least five days previous to the meeting of said commissioners.

V. *And be it further enacted,* That at the first county court to be holden after the said commissioners shall have completed their investigation and annually thereafter, it shall be their duty to exhibit in open court, a list of all balances due from any officer or officers by the said commissioners respectively, and it shall be the duty of the said court immediately after receiving the same, to require their clerk to issue in the name of their chairman, a scire facias or scire facias to such delinquent officer or officers and their respective securities, directed to the sheriff of the county wherein such delinquent shall reside; but in case such scire facias shall be issued against the sheriff for the time being, then it shall be the duty of the clerk to issue the same to the coroner, requiring such delinquent or delinquents to appear at the next ensuing term, to shew cause why judgment shall not be rendered against him or them for the amount reported by said commissioners, and if on the service and return of such process, the defendant or defendants shall fail to appear and make defence, final judgment by default, shall be entered against him or them, and in every case, the report of the commissioners shall be prima facie evidence, on which said court shall give judgment, unless it shall be rebutted by evidence on the part of the defendant or defendants.

VI. *And be it further enacted,* That it shall be the duty of the attorney, acting in behalf of the State for the said county, to prosecute all suits instituted under this act, who shall be allowed the same fees as in other cases of scire facias, and no process issued under this act shall be abated or set aside for any informality.

VII. *And be it further enacted,* That the clerk of the county court of said county shall keep a book,

1814 and record all the amounts of taxes laid annually for county contingences for every purpose whatever, also all the settlements annually, which shall be made from time to time, by the said commissioners.

VIII. *And be it further enacted*, That each of the said commissioners shall be allowed the sum of twenty shillings for each and every day they may be necessarily employed in the investigation: *Provided*, They shall not exceed three days in each year, to be paid in the same manner as other county charges are paid—any law to the contrary notwithstanding.

CHAP. LIII.

An act authorizing the County Court of Surry to appoint a Committee of Finance.

Be it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same, That the Justices of the county Court of Pleas and Quarter-Sessions of Surry, be, and they are hereby authorised and required at their first session which shall happen after the first day of May next, to appoint three persons of integrity and capacity to act as a Committee of Finance—whose duty it shall be to examine all records, papers and documents in the offices of the clerks of the superior and county courts, sheriffs, county trustees, and all other officers or commissioners who have heretofore held monies belonging to the said county of Surry, and the said committee are hereby authorised and empowered to call on each and every of the officers and commissioners aforesaid to lay before them the records, papers and documents respectively as aforesaid, for their inspection.

II. *And be it further enacted*, That it shall be the duty of the said committee of finance, to make a full investigation of all the financial concerns of the said county, from the year one thousand eight hundred and four up to the end of the present year, and return to the said court a full, fair and perfect statement thereof, designating therein all balances or monies due by the county to individuals, as well as those due by delinquents to the county.

III. *And be it further enacted*, That the said county court of Surry, shall direct the said committee to be paid such sum for their services as the said court may deem just: *Provided*, That in the appointment of the said committee, as well as in making them the said compensation for their services, it shall be necessary that a majority of the acting justices in said county shall be present.

IV. *And be it further enacted*, That if the said clerks, sheriffs, county trustees, or other officers or commissioners as aforesaid when respectively required thereto by the said committee of finance, shall refuse or neglect to lay before the said committee the records, papers or documents aforesaid, such clerk, sheriff, county trustee, or other officer or commissioner so refusing or neglecting, shall forfeit and pay the sum of one hundred pounds, to be recovered by the said committee for the use of the county, before any jurisdiction having cognizance thereof.

CHAP. LIV.

An act to alter the times of holding the county court of Pleas and Quarter-Sessions for Rowan county.

Be it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same, That the county courts of pleas and quarter-sessions for the county of Rowan, shall hereafter be holden on the third Mondays of February, May, August and November, respectively.

Provided, That nothing herein contained shall be construed to alter the time of holding the next county court in Rowan county.

CHAP. LV.

An act to alter the time of holding the Superior Court of the county of Craven, and to extend the term of said court.

Be it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same, That the superior courts of law and equity for the county of Craven, shall be held on the following days, to wit: on the third Monday after the fourth Monday in March and September, to which times respectively, all matters and things therein depending shall stand adjourned, and be continued.

II. *And be it further enacted by the authority aforesaid*, That if the business before the said court cannot be sooner heard and determined, the said courts shall be held two weeks at each term.

CHAP. LVI.

An act to alter the time of holding the Superior Courts of the counties of Wilkes and Ashe.

Be it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same, That the Superior Courts of Law and Equity for the county of Wilkes, shall hereafter be held on the second Monday in March and September in each and every year.

II. *And be it further enacted*, That the superior courts of law and equity for the county of Ashe, shall hereafter be held on the third Mondays of March and September in each and every year; and the said courts as above altered, shall be held and governed by the same rules, regulations and restrictions as have been heretofore prescribed by law.

Provided nevertheless, That this arrangement shall not take place until the next term succeeding the following spring term—any law, usage or custom to the contrary notwithstanding.

CHAP. LVII.

An act to alter the time of holding the Superior Courts of Law and Equity, in the counties of Mecklenburg and Cabarrus.

Be it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same, That the Superior Courts of Law and Equity for the county of Mecklenburg, shall hereafter be holden on the sixth Monday after the fourth Monday in March and September, in each and every year respectively; and the superior courts of law and equity for the county of Cabarrus, shall hereafter be holden on the seventh Monday after the fourth Monday of March and September, in each and every year: *Provided*, That nothing herein contained, shall alter the time of holding the next Superior courts of law and equity in said counties.

CHAP. LVIII.

An act to authorize and empower the county Court of Nash to appoint one other Ranger for said county, on the south side of Tar river.

Be it enacted by the General Assembly of the State of North-Carolina and it is hereby enacted by the authority of the same, That the County Court of Nash, is hereby authorised (a majority of the acting Justices being present) to appoint one other Ranger on the south side of Tar river in said county.

which person when so appointed, shall be under the same rules, regulations and restrictions, as other rangers within said county.

Provided nevertheless, The above ranger shall not be authorized to enter stray horses—any law to the contrary notwithstanding.

CHAP. LIX.

An act granting to the Superior Court of the county of Richmond, original and exclusive jurisdiction in all cases where the intervention of a Jury is necessary.

BE it enacted by the General Assembly of the State of North-Carolina and it is hereby enacted by the authority of the same, That from and after the last day of March next, it shall not be lawful for the Justices of the Court of Pleas and Quarter Sessions for the county of Richmond, to try any causes where a jury may be necessary.

II. *And be it further enacted by the authority aforesaid,* That it shall be the duty of the clerk of the court of pleas and quarter sessions of the county of Richmond aforesaid, to make out a true and correct list or transcript of all suits which may be pending in said court on the last day of August next, and deliver the same to the clerk of the superior court for the county aforesaid, together with all such papers as may relate to such suits respectively, on or before the first day of April next.

III. *And be it further enacted,* That it shall be the duty of the clerk of the superior court of the county aforesaid, to receive such list or transcript and original papers, and immediately enter them on his docket in regular succession, and they shall stand in the same order for trial in the superior court aforesaid as they originally stood in the court of pleas and quarter sessions; and it is also declared to be the duty of the clerk of the superior court of the county of Richmond aforesaid, on application of either plaintiff or defendant in any suit which may be transmitted to him agreeably to the directions of this act, to issue subpoenas for witnesses or other legal process returnable to the next superior court of the county aforesaid, which shall be as binding and valid in law to all intents and purposes, as if such suits had originated in the said superior court.

IV. *And be it further enacted,* That if the clerk of the court of pleas and quarter sessions, or of the superior court of said county, shall fail or neglect to perform the duties enjoined on him by the requisitions of this act, he shall forfeit and pay the sum of one hundred pounds for each and every offence, to be recovered by an action of debt in the name of the Governor for the time being, and to be applied to the use of the county.

V. *And be it further enacted by the authority aforesaid,* That from and after the first day of April next, all suits in said county, whether civil or criminal, shall originate in the superior court aforesaid, and all appeals from justices of the peace in said county in civil cases, and all recognizances by them taken in criminal cases, shall be returnable to the next superior court of the county aforesaid.

VI. *And be it further enacted,* That the court of pleas and quarter sessions for the county aforesaid, are hereby required at their term next preceding the ensuing fall term of the superior court of said county, to take up the State docket in regular order, and bind over the parties and witnesses concerned, to the next succeeding superior court to be held for said county.

VII. *And be it further enacted,* That all acts and causes of acts, which come within the meaning of this act be, and the same are hereby repealed and made void.

CHAP. LX.

An act supplementary to an act passed this session of the General Assembly entitled "an act granting to the Superior Courts of the county of Richmond, original and exclusive jurisdiction in all cases where the intervention of a Jury may be necessary."

WHEREAS, An error was committed in filling the blanks in the second section of the above recited act, by inserting in the first blank "August," instead of "April," and in the second blank "April," instead of "August," and by transposition of the words as aforesaid, an inconsistency is obvious.

BE it therefore enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same, That the following is hereby declared to be a substitute for the said second section of the above recited act, to wit: "That it shall be the duty of the Clerk of the Court of Pleas and Quarter Sessions of the county of Richmond aforesaid, to make out a true and correct list or transcript of all suits which may be pending in said court on the first day of April next, and deliver the same to the clerk of the superior court of the county aforesaid, together with all such papers as may relate to such suits respectively, on or before the first day of August next—any thing in the said section of the above recited act, to the contrary notwithstanding."

CHAP. LXI.

An act to carry more fully into effect an act passed in the year one thousand eight hundred and one, empowering the County Court of Chowan to lay a tax on the inhabitants of the said county, for the purpose of building a House for the reception and employment of the Poor thereof.

BE it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same, That the Court of the said county of Chowan, are hereby empowered to lay a tax at any term previous to the sitting of the next General Assembly, for the years one thousand eight hundred and fifteen and one thousand eight hundred and sixteen, not exceeding two shillings on each poll—eight pence on every hundred acres of land, and two shillings on every hundred pounds value of town property within said county, under the same rules and regulations as are therein mentioned.

CHAP. LXII.

An act to incorporate Davie Lodge, No. 39, of the County of Bertie.

BE it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same, That the Officers and Members who at present are, or in future may be of Davie Lodge, No. 64, are hereby constituted and declared to be a body politic and corporate, under the name and title of, Davie Lodge, No. 39; and by such name shall have perpetual succession and a common seal, and may sue and be sued, plead and be impleaded, acquire and transfer property, and pass such laws, rules and regulations for their government, as shall not be inconsistent with the laws or Constitution of this State, or of the United States.

CHAP. LXIII.

An act to incorporate the Fayetteville Thalean Association.

Be it enacted by the General Assembly of the State of North-Carolina and it is hereby enacted by the authority of the same, That the individuals who are now Associated in the town of Fayetteville, for the

1814 purpose of aiding an institution of learning, and the general promotion of literature, under the name of the "Thalean Association," and those who hereafter may become Members of the said Association agreeably to the rules which may be therein established, be and the same are hereby incorporated into a body corporate and politic, by the name of the Thalean Association, and as such shall have perpetual succession, may sue and be sued, plead and be impleaded, be capable of holding, acquiring and transferring real and personal estate, to make and ordain laws and regulations for their own government, and to elect their own officers, and generally to do, receive and perform all such matters and things as rightfully belong and usually incident to bodies corporate and politic, within this State—any law, usage or custom, to the contrary notwithstanding

CHAP. LXIV.

An act to incorporate the Raleigh Thespian Society.

BE it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same, That the individuals now associated in the City of Raleigh, under the name of the "Raleigh Thespian Society," and who may hereafter become Members of the said association, agreeably to the rules which may be therein established, be, and the same are hereby incorporated into a body, corporate and politic, by the name of the "Raleigh Thespian Society," and as such shall have perpetual succession, may sue and be sued, implead and be impleaded, be capable of acquiring, holding and transferring real or personal estate, having ability to make, ordain and establish rules and regulations for their own government, and to elect their own officers, and generally to do, receive and perform all such matters and things as rightfully belong, and usually are incident to bodies corporate and politic, within this State—any law, usage or custom to the contrary notwithstanding.

CHAP. LXV.

An act to incorporate Kilwinning Lodge, No. 64, in the Town of Wadesborough.

Be it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same, That the Officers and Members who at present are, or in future may be of Kilwinning Lodge, No. 64, of the Town of Wadesborough, are hereby constituted and declared to be a body politic and corporate, under the name and title of, Kilwinning Lodge, No. 64, and by such name shall have perpetual succession and a common seal, and may sue and be sued, plead and be impleaded, acquire and transfer property, and pass such laws, rules and regulations for their government, as shall not be inconsistent with the laws or constitution of this State, or the United States.

CHAP. LXVI.

An act to amend and continue in force an act passed at the last General Assembly, entitled "an act to incorporate a Company for the purpose of rendering navigable Cotentnea Creek."

Be it enacted by the General Assembly of the State of North-Carolina and it is hereby enacted by the authority of the same, That John B. Cobb, Charles Coleman, William White, sen. Willie Coleman, Larry D. Simms, Joseph Farmer and Tobias Cooke, be, and they are hereby appointed Commissioners instead of the persons named in the first section of the above recited act, and they are hereby vested with all the power and authority, and declared subject to the same rules, regulations and restrictions, as the commissioners therein mentioned.

II. *And be it further enacted,* That after the passing of this act, the said company are hereby authorised to open and keep open books of subscription until the first day of October, one thousand eight hundred and fifteen, and proceed as soon as they may think proper to raise by way of Lottery, the same sum of money for the same purpose; and under the same rules, regulations and restrictions, as are prescribed in the above recited act, and they shall appropriate the same to the clearing out and keeping open Cotentnea Creek, in the manner therein mentioned.

III. *And be it further enacted,* That so much of the above recited act, as comes within the meaning and purview of this act, be, and the same are hereby repealed.

CHAP. LXVII.

An act to incorporate the Wilmington Thalean Association.

Be it enacted, &c. That the individuals who are now Associated in the Town of Wilmington, for the purpose of aiding an institution of learning and the general promotion of literature, under the name of the "Thalean Association," and those who hereafter may become Members of the said Association agreeably to the rules which may be therein established, be, and the same are hereby incorporated into a body corporate and politic, by the name of the Thalean Association; and as such shall have perpetual succession, may sue and be sued, plead and be impleaded, be capable of acquiring, holding and transferring real or personal estate, to make and ordain laws and regulations for their own government, and to elect their own officers, and generally to do, receive and perform all such matters and things, as rightfully belong and usually incident to bodies corporate and politic, within this State—any law, usage or custom, to the contrary notwithstanding.

CHAP. LXVIII.

An act to secure to the persons therein named, such property as they may hereafter acquire.

Be it enacted by the General Assembly of the State of North-Carolina and it is hereby enacted by the authority of the same, That Susanna Riddle, wife of Harmon Riddle of Buncombe county, Sarah Vannoy, wife of Nathaniel Vannoy, jun. of Wilkes county, Paisey Lewis of Randolph county, wife of Stephen Lewis, Polly Johnson of Chatham county, wife of Moses Johnson, Polly Colyear of Buncombe county, wife of John Colyear, Mary Griswold, wife of James Griswold of Edgecombe county, Anna Thomas of Guilford county, wife of James Thomas, Margaret Roane, wife of Jesse Roane of Guilford county, Nancy Hannah of Guilford county, wife of Robert Hannah, jun. Sarah Hobbs of Guilford county, wife of Nehemiah Hobbs, Elizabeth P. Wortham of Franklin county, wife of Charles Wortham, Peggy Field of Guilford county, wife of Jeremiah Field, Sally Spears of Edgecombe county, wife of Absalom Spears, Eliza Dowdy of Currituck county, wife of John Dawdy, Lucy Clark of Chatham county, wife of William Henry Clark, Rebecca Pugh of Sampson county, wife of James Pugh, Sylvia Ward of Bertie county, wife of Joshua Ward, Mary G. Ferguson of Granville county, wife of Joel Ferguson, Sarah Jordan, wife of George Jordan of Stokes county, Alecy Hackett, wife of Thomas Hackett, of Fayetteville, Martha Hunt, wife of William Hunt of Granville county, Holland Whitsen-

hunt of Randolph county, wife of Henry Whitesenhunt, Elizabeth Powell of Richmond county, wife of John Powell, Love Brady, wife of Mills Brady of Gates county, Lucy Powers of Wake county, wife of Rodham Powers, Sarah Leigh of Perquimons county, wife of Benjamin Leigh, Tempey Tapley, wife of Robert Tapley of Montgomery county, &c; and they are hereby severally made capable of holding, possessing, and enjoying in their sole and exclusive right, all such estate either real or personal, as they may hereafter acquire, either by descent, purchase or otherwise, in as full and ample a manner as if they had never been married to their respective husbands; free and clear from the claims of their said husbands or their creditors, and they are severally made capable to prosecute and defend suits either in law or equity in their own names in the same manner as if they had never been married.

II. *And be it further enacted*, That they the said Susanna Riddle, Sarah Vannoy, Patsey Lewis, Polly Johnston, Polly Colyear, Mary Griswold, Anna Thomas, Margaret Roane, Nancy Hannah, Sarah Hobbs, Elizabeth P. Wortham, Peggy Field, Sally Spears, Eliza Dowday, Lucy Clark, Rebecca Pugh, Silvia Ward, Mary G. Ferguson, Sarah Jordan, Alley Hackett, Martha Hunt, Holland Whitesenhunt, Elizabeth Powell, Love Brady, Lucy Powers, Sarah Leigh, Tempey Tapley, wife of Robert Tapley of Montgomery County, and Elizabeth Toris, wife of Benjamin Toris, and Mary Gregory, wife of Edmund Gregory, are hereby respectively forever barred from all right of dower or claim of any kind on the real or personal estate of which their husbands, respectively may die, seized or possessed in the same manner as though they never had been married.

CHAP. LXIX.

An act directing the designation of hands and how they shall be compelled to work under Overseers of Roads hereafter in the Counties of Lincoln, Columbus, Burke, and Rockingham.

Be it enacted by the General Assembly of the State of North-Carolina and it is hereby enacted by the authority of the same, That from and after the passing of this act it shall be the duty of the county courts of pleas and quarter sessions of the counties of Lincoln, Columbus, Burke and Rockingham to designate to each of the overseers of roads in said counties, the hands which shall be called upon by them to work on roads in their respective districts; and designation shall be made in such manner as to equalize the labour as much as possible; and no person hereafter shall be compelled to work out of the bounds so designated for him to labour on the public roads.

II. *And be it further enacted*, That it shall be the duty of the Clerks of the courts of pleas and quarter sessions in each of the said counties to furnish each overseer with a list of the hands so designated by court, which list shall accompany the court order by which the overseer is so appointed.

III. *And be it further enacted*, That when an overseer makes a return to court of his having complied with the order, and deliver up his charge as such he shall at the same time deliver up the list of hands who have worked, or are at that time liable to work on that district of road, that the same may be put into the possession of his successor.

IV. *And be it further enacted*, That the overseer shall in all cases or trials at law be considered as a competent witness to prove notices to persons who are directed by law to work on roads.

CHAP. LXX.

An act better to provide for the Poor of Wake County.

WHEREAS the inhabitants of said county are greatly oppressed with heavy taxes for the support of their poor, for remedy whereof—

Be it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same, That a majority of the acting Justices of the said county, shall have full power and authority to cause to be erected suitable buildings for the reception of the said poor, if they shall deem the same advisable, and to increase the poor tax of the said county, so much as may be necessary for that end, having respect to the same ratio and being confined to the same objects of taxation as are by law now established for that purpose.

II. *And be it further enacted*, That the said Justices are authorised to make and establish from time to time, such regulations for the government of the said poor, and all superintendants they may employ, as they in their discretion shall deem necessary and expedient.

CHAP. LXXI.

An act to provide for the payment of Jurors in the county of Bladen.

BE it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same, That all Jurors, who shall serve at any of the County or Superior Courts, held for and in the county of Bladen, shall be entitled to the sum of seventy-five cents per day for such service, and all ferriages paid for passing to and from such court, and that all jurors shall be allowed the same for every thirty miles travelling to and from any of the said courts, as they are allowed for one days service.

II. *And be it further enacted*, That when such jurors shall have performed such services at any of the said courts, they shall then on application to the Clerk of said court obtain a certificate for the same, who is hereby authorised to issue certificates for such services.

CHAP. LXXII.

An act to establish permanently the dividing line between the counties of Burke and Ashe.

Be it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same, That the following boundaries, to wit: beginning at the Yadkin spring, thence along the extreme height of the Blue Ridge, to the head spring of Flat-top-fork of Elk Creek, thence down the meanders of said creek to the Tennessee State line, shall be and the same is hereby declared the permanent dividing line between the counties of Burke and Ashe.

CHAP. LXXIII.

An act to repeal an act passed in the year one thousand seven hundred and ninety six, entitled "An act making compensation to the owners of Outlawed or Executed Slaves for the counties of Bladen, Halifax, Granville, Cumberland, Perquimons, Beaufort, and Pitt," so far as the same relates to the county of Beaufort.

BE it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same, That from and after the passing of this act, so much of the act passed in the year one thousand seven hundred and ninety six, entitled "An act making compensation to the owners of outlawed or executed slaves for the counties of Bladen, Halifax, Granville, Cumberland, Per-

1814 quimons, Beaufort and Pitt," as relates to or in any manner concerns the county of Beaufort, so far as it makes provision for the payment or compensation to the owners of outlawed or executed slaves in said county, be and the same is hereby repealed and made void.

II. *And be it further enacted*, That if there shall remain in the hands of the Sheriff or the county trustee or any officers of said county, any surplus money after discharging all claims to which it is made subject by the provisions of the before recited act, that the same shall be applied under the direction and by order of the county court of said county of Beaufort to the discharge of any tax or taxes to which the person or persons who have paid the same shall or may be liable.

CHAP. LXXIV.

An act to enable the Wardens of the Poor of the county of Sampson to lay an additional tax.

Be it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same, That from and after the passing of this act, the Wardens of the poor for the county of Sampson be, and the same is hereby authorised and empowered to lay a tax not exceeding ten cents upon each poll in addition to the tax already existing, which said tax when collected shall be paid over by the Sheriff into the hands of said wardens, and be by them applied to the use and support of the poor of said county.

CHAP. LXXV.

An act for the relief of the Treasurer of the county of Martin.

WHEREAS the Treasurer of the county Martin, at the request of the citizens of said county, advanced seven hundred dollars for the relief of the Troops detached from the said county, and now stationed at Norfolk; and whereas it is believed that the County Court has not the power to sanction said expenditure—

Be it therefore enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same, That the Court of Pleas and Quarter Sessions, held for the county of Martin, shall have full power and authority, and they are hereby required to sanction the expenditures made by their Treasurer for the relief of the troops detached from the Martin regiment of Militia and now stationed at Norfolk, and to pass the same to the credit of the said treasurer in the settlement of his accounts with said county.

CHAP. LXXVI.

An act to authorize Charles Parish to open a road from his house towards the City of Raleigh, through a part of the public lands.

BE it enacted by the General Assembly of the State of North-Carolina and it is hereby enacted by the authority of the same, That Charles Parish be, and he is hereby authorised to open a road from his own house towards the City of Raleigh, through a part of the public land, upon his paying into the treasury of this State a sum of money equal to the injury or damage which may be committed on the said land in consequence of the opening of said road; and the amount thereof to be ascertained by John Haywood, Samuel Gooden and William Polk, esquires; previous to the opening of the same, and the right to the said road hereby granted shall be holden at the pleasure of the General Assembly of this State.

CHAP. LXXVII.

An act to enable the Cape Fear Agricultural Society to raise a sum of money by way of Lottery.

BE it enacted by the General Assembly of the State of North-Carolina and it is hereby enacted by the authority of the same, That the body corporate and politic, known by the name of the Cape Fear Agricultural Society, be, and the same is hereby authorized and empowered to raise by way of Lottery a sum not exceeding twenty thousand dollars, by such scheme or schemes as they may think proper to devise, and the same shall be applied to the agricultural purposes and views of the Society.

II. *And be it further enacted*, That Colonel Samuel Ashe, colonel Thomas Hill, James W Walker, A. D. Moore and Edward Winslow be, and the same are hereby appointed to manage and conduct the lottery aforesaid according to such scheme as the society may devise.

CHAP. LXXVIII.

An act to amend an act passed in the year one thousand eight hundred and ten, entitled an act to authorize Alexander Smith of Ashe County, to raise by way of Lottery, the sum of fifteen hundred dollars, and for other purposes.

BE it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same, That Montfort Stokes, George Bbowar and John Fulton be, and they are hereby appointed commissioners in the place and stead of John O. Johnson, Eli Cleveland and Joshua Cox, named in the before recited act, who have declined serving, and the said commissioners hereby appointed shall be vested with the same powers and authorities as the commissioners heretofore appointed.

II. *And be it further enacted*, That the acts and proceedings of a majority of those commissioners who do consent to serve under the authority given by this act, shall be as binding and effectual, as if done by the whole of them—any thing to the contrary notwithstanding.

III. *And be it further enacted*, That the officers of St. John's Lodge, No. 3, of Newbern be, and they are hereby authorized to raise by lottery any sum not exceeding three thousand dollars, for the use of said lodge.

CHAP. LXXIX.

An act to authorise Edward Chambers and John Smith late Sheriffs of the county of Rowan to collect the arrears of taxes due them in said county.

BE it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same, That Edward Chambers and John Smith, late Sheriffs of the county of Rowan be, and they are hereby authorised and empowered to collect the arrears of taxes due them in said county for the years eighteen hundred and nine, eighteen hundred and ten, eighteen hundred and eleven, and eighteen hundred and twelve; which collection shall take place under the same rules, regulations and restrictions as are already prescribed for the collection of the public taxes: *Provided always*, That the authority hereby granted, shall not extend to the collection of taxes from the executors or administrators of the estates of deceased persons, from those who have removed out of the county or from those who will voluntarily make oath that he or she hath paid the same.

CHAP. LXXX.

An act to authorize the several persons therein named to collect the arrearages of taxes due them as late Sheriffs of their respective Counties.

BE it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same, That James Thompson, Sheriff of Onslow county for the years one thousand eight hundred and ten, one thousand eight hundred and eleven, and one thousand eight hundred and twelve—Daniel Glisson, sheriff of Duplin county for the years one thousand eight hundred and eleven, and one thousand eight hundred and twelve—Griffeth Dickerson, late sheriff of the county of Buncombe, for the years one thousand eight hundred and eleven, and one thousand eight hundred and twelve—Matthew M'Cullers, late sheriff of the county of Wake, for the years one thousand eight hundred and twelve, and one thousand eight hundred and thirteen—Reuben P. Jones, sheriff of the county of Craven, for the years one thousand eight hundred and ten, one thousand eight hundred and eleven, and one thousand eight hundred and twelve—Alexander Rowland, sheriff of Robeson county, for the years one thousand eight hundred and eleven, and one thousand eight hundred and twelve—Exum Hollomon, late sheriff of the county of Northampton, for the years one thousand eight hundred and twelve and one thousand eight hundred and thirteen—Simon Turner administrator of James Grimes, dec. late deputy sheriff of Bertie county, for the years one thousand eight hundred and eleven and one thousand eight hundred and twelve, as far as respects the taxes due in Captain Pugh's, Callum's and Cherry's districts in said county—Samuel Hyman, sheriff of Martin county, for the years one thousand eight hundred and eleven, and one thousand eight hundred and twelve, be, and they are hereby authorized and empowered to collect the arrearages of taxes due them in their respective counties, for the years above stated: which collections shall take place under the same rules, regulations and restrictions, as are already prescribed for the collection of public taxes: *Provided nevertheless,* That the authority hereby granted, shall not extend to the collection of taxes from executors or administrators of the estates of deceased persons, from those who have removed from the respective counties, or from those who shall voluntarily make oath that he, she or they have paid the same; and, *Provided also,* That this act shall continue in force for twelve months from the ratification thereof and no longer.

II. *And be it further enacted,* That this act shall be in force from and after the ratification thereof.

CHAP. LXXXI.

An act to prevent any person or persons from impeding the free passage of Fish up Brices Creek in the County of Craven, and for other purposes.

Be it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same, That from and after the passing of this act, it shall not be lawful for any person or persons to set or cause to be set any net of any description across Brices Creek in the county of Craven, under the penalty of twenty pounds for each offence, to be recovered by any person suing for the same, to his or her own use, before any jurisdiction having cognizance thereof.

II. *Be it further enacted,* That if any servant or slave, shall be guilty of the aforesaid offence, without the knowledge or consent of his or her master or mistress, he or she so offending, shall have and receive thirty nine lashes on his or her bare back.

III. *Be it further enacted,* That the wardens of the poor of Craven county, may annually lay a tax on the inhabitants of the said county, not exceeding one shilling and six pence on every taxable poll; and six pence on every hundred acres of land; and one shilling and six pence on every hundred pounds value of town property in addition to the taxes which the said wardens have been heretofore empowered to lay, for the support of the poor; and the taxes to be raised in pursuance of this act, shall be collected, accounted for, and applied in the manner heretofore prescribed by law.

IV. *And be it further enacted,* That so much of the act of the General Assembly as directs and authorizes an election to be held at the house or plantation of John Latham, in Craven county, be and the same are hereby repealed.

CHAP. LXXXII.

An act to amend an act entitled "an act to incorporate a company to be called the Clubfoot and Harlows Creek Canal Company."

Be it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same, That the Commissioners appointed by said act be, and they are hereby authorized to keep open the books for the purpose of receiving subscriptions for stock in the Clubfoot and Harlow's Creek Canal Company, until the first day of January, one thousand eight hundred and seventeen.

II. *Be it further enacted,* That so much of the second section of the above recited act, as declares that "unless three fourths of the shares shall be subscribed on or before the first day of January one thousand eight hundred and fifteen, all subscriptions made in virtue of said act shall be void, and the monies paid shall be refunded to the respective subscribers" be, and the same is hereby repealed and made void.

III. *Be it further enacted,* That this act shall be in force immediately from and after the passing and ratification thereof.

CHAP. LXXXIII.

An act to amend an act passed at the last session of the General Assembly, securing to the persons therein mentioned such property as they may hereafter acquire.

WHEREAS, it is represented to this General Assembly, that through a mistake committed in the act above recited, such property as might be thereafter acquired by Alec Beck of Burke county, was vested in her, free from the claims of her husband, which name should have been Alec Banks, wife of William Banks, and consequently the petitioner was deprived of the benefit intended by said act.

Be it therefore enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same, That all such property either real or personal, which may be hereafter acquired by Alec Banks of Burke county, wife of William Banks, be and the same is hereby secured to the said Alec Banks, free and clear from the claim or claims of her said husband, in as full and ample a manner to all intents and purposes, as if the rites of matrimony had never been solemnized between them, as far as respects the property so acquired by the said Alec Banks as aforesaid.

II. *And be it further enacted,* That the said Alec Banks is hereby declared to be able and capable in law and in equity by her own proper name as aforesaid; to sue and be sued, plead and be impleaded, and answer and be answered, whenever the same may be necessary—any law, usage or custom, to the contrary notwithstanding.

CHAP. LXXXIV.

An act to annex Captain Frederick Walsers company district to the second regiment of Rowan militia.
BE it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same, That Captain Frederick Walsers company district be, and the same is hereby annexed to the second regiment of the militia of Rowan county—any law to the contrary notwithstanding.

CHAP. LXXXV.

An act to repeal an act passed in the year one thousand eight hundred and ten, entitled, "an act to provide for the payment of Jurors in the county of Bertie."
BE it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same, That the aforesaid act be, and the same is hereby repealed and made void.

CHAP. LXXXVI.

An act to repeal an act passed in the year one thousand eight hundred and thirteen or so much thereof as secures to Peter Hairston of Stokes county, the privilege of erecting Gates on the public roads leading through his land.
Be it enacted by the General Assembly of North-Carolina, and it is hereby enacted by the authority of the same, That an act passed in the year one thousand eight hundred and thirteen, or so much thereof as authorises Peter Hairston of the county of Stokes, to erect a Gate on each side of Dan river, on the River public road leading through his land crossing at Bostick's ford, be, and the same is hereby repealed and made void.

CHAP. LXXXVII.

An act to authorize Theophilus Lacy and Thomas Searcy of Rockingham county, to erect Gates on their own land on the public road leading to Allen's ford on Dan River.
BE it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same, That Theophilus Lacy and Thomas Searcy, of Rockingham county be, and they are hereby authorized and empowered to erect Gates on the r own land on the public road leading to Allen's ford on Dan River, and the owners of the said gates erected pursuant to this act, shall be under the same rules and restrictions and subject to the same tax as have been heretofore prescribed by law in like cases.

CHAP. LXXXVIII.

An act to amend an act passed in the year one thousand eight hundred and five entitled an act to appoint Commissioners to lay off and establish the dividing lines between the Counties of Chowan, Perquimons and Gates.
WHEREAS, James Hathaway of the County of Chowan, one of the Commissioners appointed by the above recited act is since dead—
Be it therefore enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same, That James M. Hat of the county of Chowan be, and he is hereby appointed a commissioner in the place of James Hathaway, deceased, with full power and authority in conjunction with the other commissioners therein appointed to lay off, extend, and mark the lines between the said counties.

CHAP. LXXXIX.

An act to authorize William Hampton, late Sheriff of Wilkes county, to collect the arrears of taxes due him in said county, for the years one thousand eight hundred and eleven, and one thousand eight hundred and twelve.
Be it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same, That William Hampton, late Sheriff of the County of Wilkes, be, and he is hereby authorized and empowered to collect the arrears of taxes due him in said county, for the years one thousand eight hundred and eleven, and one thousand eight hundred and twelve, which collection shall take place under the same rules, regulations and restrictions as the collection of other public taxes within this State.
Provided, That this authority shall not extend to authorize the said William Hampton to collect the arrears of taxes due him from the executors or administrators of the estate of deceased persons, from those who have removed out of the county, or from those who shall voluntarily make oath that he or she has paid the same; and this act shall continue in force for twelve months and no longer.

CHAP. XC.

An act to amend an act entitled "an act for laying out a Town on the lands of Jesse Peacock, in the county of Sampson," passed in the year one thousand seven hundred and eighty-five.
Be it enacted by the General Assembly of the State of North-Carolina and it is hereby enacted by the authority of the same, That Enoch Herring, William Robeson, esq. John Bryan, esq. John Treadwell, jun. and Edward Spearman, be, and they are hereby appointed Commissioners to fill the vacancy occasioned by the death of the commissioners appointed by the before recited act.
II. *And be it further enacted by the authority aforesaid,* That the said commissioners or a majority of them, are hereby empowered and required to confirm titles to any person or persons who have purchased any lot or lots of ground within the limits of the Town aforesaid (and have not obtained titles for the same) in as full and ample a manner as the commissioners appointed by the before recited act were entitled to do; and that the said commissioners are hereby declared to have the same powers and authorities, and to be subject to the same rules, regulations and restrictions as the commissioners in the before recited act were subject to.
III. *And be it further enacted,* That if any of the commissioners hereby appointed shall refuse to act, die, or remove out of the county, the surviving commissioners shall be, and they are hereby empowered to elect another or others in the room of him or them refusing to act, dying or removing.

CHAP. XCI.

An Act to authorize Matthew Kelly, late Sheriff of the county of Bladen, to collect the arrearages of Taxes due him in said county for the years one thousand eight hundred and seven, one thousand eight hundred and eight, and one thousand eight hundred and nine, and also to collect the arrearages of taxes due him in the counties of Bladen and Columbus.
BE it enacted by the General Assembly of North-Carolina, and it is hereby enacted by the authority of the same, That Matthew Kelley, late Sheriff of the County of Bladen, for the years one thousand eight hundred and seven, one thousand eight hundred and eight, and one thousand eight hundred and nine; and for the year one thousand eight hundred and nine, in that part of Columbus which was taken off of Bladen, be, and he is hereby authorized and empowered to collect the arrearages of taxes due him as aforesaid for the years above stated, under the same rules, regulations and restrictions as are already prescribed by law for the collection of public taxes: *Provided nevertheless,* that the authority hereby granted, shall not extend to the collection of taxes from executors or administrators of the estates of deceased persons, from those who have removed out of the county, or from those who shall voluntarily make oath that he, she or they have paid the same; and, *Provided also,* That this act shall continue in force for twelve months from the ratification thereof, and no longer.

II. *And be it further enacted;* That this act shall be in force from and after the ratification thereof.
 Read three times and Ratified in General Assembly,
 this 27th day of December, A. D. 1814.
 A true Copy, WILLIAM FULL, SECRETARY.
 GEO: OUTLAW, Speaker of the Senate.
 F. NASH, Speaker of the House of Commons.

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